

**DEPARTMENT OF DEFENSE AUTHORIZATION FOR  
APPROPRIATIONS FOR FISCAL YEAR 2007**

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**HEARINGS**

BEFORE THE

**COMMITTEE ON ARMED SERVICES**

**UNITED STATES SENATE**

**ONE HUNDRED NINTH CONGRESS**

SECOND SESSION

ON

**S. 2766**

TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2007 FOR MILITARY  
ACTIVITIES OF THE DEPARTMENT OF DEFENSE, FOR MILITARY CON-  
STRUCTION, AND FOR DEFENSE ACTIVITIES OF THE DEPARTMENT OF  
ENERGY, TO PRESCRIBE PERSONNEL STRENGTHS FOR SUCH FISCAL  
YEAR FOR THE ARMED FORCES, AND FOR OTHER PURPOSES

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**PART 5**

**EMERGING THREATS AND CAPABILITIES**

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MARCH 10, 29; APRIL 5, 2006



**DEPARTMENT OF DEFENSE AUTHORIZATION FOR APPROPRIATIONS FOR FISCAL YEAR 2007—Part 5 EMERGING THREATS AND CAPABILITIES**

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**DEPARTMENT OF DEFENSE AUTHORIZATION  
FOR APPROPRIATIONS FOR FISCAL YEAR  
2007**

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**FRIDAY, MARCH 10, 2006**

U.S. SENATE,  
SUBCOMMITTEE ON EMERGING THREATS  
AND CAPABILITIES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC.*

**ROLES AND MISSIONS OF THE DEPARTMENT OF DE-  
FENSE REGARDING HOMELAND DEFENSE AND SUP-  
PORT TO CIVIL AUTHORITIES**

The subcommittee met, pursuant to notice, at 9:32 a.m. in room SR-222, Russell Senate Office Building, Senator John Cornyn (chairman of the subcommittee) presiding.

Committee members present: Senators Cornyn, Thune, and Reed.  
Also present: Senator Levin.

Committee staff member present: John H. Quirk V, security clerk.

Majority staff members present: Sandra E. Luff, professional staff member; Elaine A. McCusker, professional staff member; David M. Morriss, counsel; Lynn F. Rusten, professional staff member; and Scott W. Stucky, general counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Evelyn N. Farkas, professional staff member; Richard W. Fieldhouse, professional staff member; and Gerald J. Leeling, minority counsel.

Staff assistants present: Jessica L. Kingston and Benjamin L. Rubin.

Committee members' assistants present: Russell J. Thomasson, assistant to Senator Cornyn; Stuart C. Mallory, assistant to Senator Thune; Elizabeth King, assistant to Senator Reed, and William K. Sutey, assistant to Senator Bill Nelson.

**OPENING STATEMENT OF SENATOR JOHN CORNYN,  
CHAIRMAN**

Senator CORNYN. Good morning. The subcommittee will come to order. The subcommittee meets today to receive testimony on the Department of Defense's (DOD) role in homeland defense and support to civil authorities.

We welcome our distinguished witnesses today, including the Honorable Paul McHale, Assistant Secretary of Defense for Home-

land Defense; Lieutenant General Joseph R. Inge, Deputy Commander of Northern Command (NORTHCOM); and Lieutenant General Steven Blum, Chief of the National Guard Bureau (NGB).

I'd also like to recognize someone from my home State, Major General Charles Rodriguez, who's attending the hearing today. General Rodriguez is the adjutant general for the State of Texas, and has done a superb job. I saw him in action during the response to Hurricanes Katrina and Rita, and we're grateful to have his service, not only to our State, but our Nation.

I commend each of our witnesses for the leadership you provide. I've had a chance to review your written statements, and they're all outstanding and quite comprehensive. We will, of course, invite you to make an opening statement, and then we'll have some questions.

I also hope that you will convey to the fine men and women under your charge, both military and civilian, the Nation's gratitude for their selfless service and commitment to our Nation's defense. We recognize that we must view homeland defense, in a post-September 11, 2001, environment, in a—perhaps even in a different way. Moreover, recent events along the U.S./Mexican border, coupled with the discovery of the Otay Mesa Tunnel, highlight the need for our continued vigilance and the close cooperation between the Department of Homeland Security (DHS) and the DOD in protecting our Nation's borders and keeping us safe.

As public servants, our most solemn obligation is to protect the American people. Simply stated, the security of the United States and defense of the Homeland is job number one. While our forward-deployed forces are our first line of defense in the global war on terrorism, the readiness of our Armed Forces to defend the Homeland and to assist civilian authorities in identifying threats, gathering and analyzing intelligence, preventing or responding to an attack or other national emergencies are of paramount importance to the subcommittee. We welcome your insights on developments in your respective organizations, as well as your personal assessments of the fiscal year 2007 defense budget request.

Lieutenant General Inge and Lieutenant General Blum, the subcommittee also looks forward to hearing your assessment with regard to how you integrate the total force into the execution of your mission. We're specifically interested in how you coordinate and synchronize the elements of your mission that are in support of the DHS. We're also interested in your views regarding the establishment of unity of effort, as well as unity of command when the Active-Duty, Reserve component, and the National Guard Forces are employed in response to a catastrophic national disaster, pandemic, or attack on the Homeland.

Secretary McHale and Lieutenant General Inge, we seek your comments and insight on the recommendations outlined in the Federal response to Hurricane Katrina lessons learned. We're particularly interested in the recommendations that outlines that the DOD should lead the Federal response, in extraordinary circumstances. Under what circumstances would you like to see the DOD take such a role?

In addition, the subcommittee seeks your assessment regarding the steps being taken to identify gaps, as well as redundancies, be-



tween Federal agencies that share a role in homeland security and homeland defense. Of particular interest is how your organizations synchronize your support to the DHS with regard to the land, air, and maritime defense of our borders, and how resident DOD technology and capabilities are being leveraged and shared with the DHS in their execution of the border defense mission.

The subcommittee is also interested in any authorities that you believe should be reexamined in light of the recently published Quadrennial Defense Review (QDR), as well as the Federal response to Hurricane Katrina lessons learned.

Again, we welcome each of our witnesses this morning. We certainly want to convey to you our appreciation for your service to our great Nation and the seriousness of the responsibilities with which you have been charged. We stand ready to assist you, in any way that is within our power, in the discharge of those very important duties in defense of our Nation.

Senator Reed.

#### **STATEMENT OF SENATOR JACK REED**

Senator REED. Thank you very much, Mr. Chairman.

Let me join you in welcoming the members of the panel. Secretary McHale, General Inge, and General Blum, thank you for the service to the Nation.

I'm particularly glad to see Secretary McHale here, after serving with the Secretary in the House of Representatives, and I know his commitment to the men and women of the Armed Forces, particularly the Marine Corps. So, thanks for that, Paul.

We extend our thanks, obviously, to all of you, and to the valiant men and women that you lead. Thank you so much.

This is the first hearing of the subcommittee, and the first Armed Services hearing since the Hurricane Katrina disaster to explore DOD's role in support of Federal authorities during a natural or manmade disaster. The DOD, NORTHCOM, and especially the National Guard played a tremendous and pivotal role in helping the victims of the disaster in Louisiana and along the Gulf Coast. Indeed, there was a stark contrast between the military's response and the response of the DHS and the Federal Emergency Management Agency (FEMA). Nevertheless, I believe that DOD's ability to support civil authorities can be improved, and I think most, if not all, the witnesses have indicated such in comments before other audiences, other hearings before Congress.

The White House view of the lessons learned from the response to Hurricane Katrina stated "Limitations under Federal law and DOD policy caused the Active-Duty military to be dependent on requests for assistance. These limitations result in slowed application of DOD resources during the initial response. Further Active-Duty military and National Guard operations were not coordinated, and serve two different bosses—one, the President, and the other, the Governor." This review makes 11 recommendations, and I hope to hear from the witnesses today on the conclusion of this review and on the recommendations.

I also hope to hear more about the DOD's homeland defense efforts, including developments relating to North American Aerospace Defense Command (NORAD) and our cooperation with Can-

ada, air and maritime security, how the interface between NORTHCOM and the National Counterterrorism Center (NCTC) is functioning, and DOD's ability to prevent, respond, and manage the aftermath of a terrorist attack or other catastrophic event.

The public's confidence, frankly, has been shaken by the Federal response to Hurricane Katrina, particularly since the administration has asserted, since September 11, 2001, that we've been improving our emergency capacity. I'm not convinced—and more importantly I don't think the American public is convinced—that we are fully prepared to respond to a terrorist event if it were to happen today or tomorrow or the next several days or months ahead. I'd like your views on this subject, what we've learned with respect to Hurricane Katrina and how well we're ready to respond to a catastrophic event, if it occurs in the United States.

Thank you, Mr. Chairman.

Senator CORNYN. Thank you, Senator Reed. I appreciate the way that our staffs and you and I are able to work together to discharge our responsibilities. It's a pleasure working with you.

We'd like now to hear from our witnesses, starting with Assistant Secretary McHale, and then General Inge, and then General Blum. If you would keep your comments to within 10 minutes or so, we want to give you plenty of time to say what you want to say, and then we have a lot of questions we want to ask.

So, Secretary McHale, we'll turn to you first.

**STATEMENT OF HON. PAUL MCHALE, ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE**

Mr. MCHALE. Thank you, sir.

Chairman Cornyn, Senator Reed, it is a pleasure to be back in your company again—distinguished members of the subcommittee, thank you for this opportunity to describe DOD's role in protecting the United States from foreign attack and in responding to the consequences of attacks and natural disasters.

Mr. Chairman, you indicated, accurately, that my formal statement has been submitted for the record. If I may, I'll simply proceed to a very brief summary of that testimony.

Senator CORNYN. Very well.

Mr. MCHALE. The 2005 National Defense Strategy designates securing the United States from direct attack as DOD's first objective. DOD gives top priority to dissuading, deterring, and defeating those who would seek to harm the United States, with a paramount emphasis upon enemies potentially armed with weapons of mass destruction (WMD).

Protecting the United States Homeland requires a global, active, and layered defense strategy. There is no home game, there is no away game. We are engaged in a global conflict. In that global conflict, the defense of the U.S. Homeland is the preeminent duty.

It is the primary mission of the DHS to prevent terrorist attacks within the United States, including stopping terrorists from crossing our borders, coming through our ports, or hijacking aircraft inside or outside of the United States. Similarly, the Attorney General leads our Nation's law enforcement effort to detect, prevent, and investigate terrorist activity within the United States. DOD's responsibility is to employ our warfighting capabilities, subject to

constitutional and statutory authority, in a military defense of U.S. lives, property, and individual freedom.

DOD has primary responsibility for defending U.S. airspace and protecting the Nation's air approaches. Since the terrorist attacks of September 11, 2001, more than 41,000 fighter, aerial refueling, and airborne early-warning sorties have been flown, while more than 2,000 air patrols have responded to actual incidents and suspicious flight operations.

We have fighters positioned throughout the United States and Canada capable of defending major population centers and high-value infrastructure within minutes. Within the National Capital Region (NCR), where we are located today, the DOD conducts irregular air patrols, maintains a dedicated 24/7 fighter capability based at Andrews Air Force Base, and has a dedicated ground missile defense system to provide around-the-clock coverage of the NCR. In addition, last year, DOD provided a sophisticated visual warning system to warn wayward pilots.

In the maritime domain, including the international waters, the maritime approaches to the United States, our territorial seas, and other U.S. navigable waters, we have a defense and a highly effective partnership executed by the United States Navy and the United States Coast Guard. The U.S. Navy defends the sea approaches to the United States and works with the Coast Guard to patrol international waters and our territorial seas.

In December 2004, DOD and DHS signed a memorandum of agreement (MOA) that incorporated the U.S. Coast Guard in support of DOD maritime homeland defense operations. A similar MOA that would include DOD in support of the Coast Guard maritime homeland security operations is currently awaiting final approval.

As noted earlier, it is the primary mission of DHS to prevent terrorist attacks within the United States. In addition, the Attorney General leads our Nation's law enforcement effort to detect, prevent, and investigate terrorist activity, again, within the United States. Accordingly, DOD does not have the assigned responsibility to stop terrorists from coming across our borders, to stop terrorists from coming through U.S. ports, or to stop terrorists from hijacking aircraft inside or outside of the United States. These responsibilities belong to DHS. Nor does DOD have the authority to seek out and arrest terrorists in the United States. These responsibilities belong to the Department of Justice (DOJ).

DOD does have a role in providing support to civil authorities, when appropriate and permitted by law. For instance, DOD Active and Reserve component forces, and the National Guard, have provided a wide variety of counternarcotics missions along the southwest border of the United States since 1989. Congress recognized the possible interplay between drug trafficking and terrorism, and included, in the National Defense Authorization Act for 2004, a provision that addressed the authority of the Secretary of Defense to expand the mission of DOD joint task forces from counternarcotics to include counterterrorism activities.

Again, as noted earlier, at the direction of the President or the Secretary of Defense, the DOD provides military support to civil authorities as part of a comprehensive national response to prevent

and protect against terrorist incidents or to recover from an attack or natural disaster.

In 2003, DOD acted on 75 requests for assistance (RFA) from more than 20 civilian agencies. In 2004, DOD acted on 99 RFAs from domestic civilian agencies, as noted by Senator Reed just a few moments ago.

DOD's deployment in response to the catastrophic effects of Hurricane Katrina was the largest, fastest civil support mission in the history of the United States. Between August 29 and September 10, 2005, more than 72,000 Federal military and National Guard personnel were deployed in response to Hurricane Katrina, more than twice the previous record deployment in response to Hurricane Andrew in 1992.

During the response to Hurricane Katrina, DOD acted on more than 90 hurricane-related RFAs from civil authorities. Many of these requests were approved orally by the Secretary of Defense. I would note, parenthetically, including one RFA approved orally and quickly that had an estimated cost of \$1 billion. These RFAs were in execution when the paperwork caught up, several days later. DOD felt a sense of urgency, and acted upon it.

In addition to Hurricane Katrina, DOD acted on more than 140 requests for assistance in 2005, including responses to Hurricanes Dennis, Ophelia, and Rita.

In the aftermath of Hurricane Katrina, again, as noted by Senator Reed, President Bush ordered a comprehensive review of the Federal response. The White House recommendations correlate well with our internal DOD lessons-learned effort. We have already begun to implement improvements.

For example, DOD is developing pre-scripted requests for assistance that would speed the response to a catastrophic event. We are completing a contingency plan defining NORTHCOM's role in providing support to DHS during domestic contingencies. We are developing a framework to provide initial damage reconnaissance. I would note, that was one of our areas of deficiency during Hurricane Katrina. Battle damage assessment, as we would perform it overseas, or an assessment of the damage associated with a natural event here in the United States, was not as successful as it should have been, because we relied too heavily on what turned out to be inaccurate media reports. That's not a criticism of the media. It's simply a strong motivation, a requirement, for the DOD to develop independent capabilities for rapid, accurate damage assessments following either terrorist attacks or naturally occurring catastrophic disasters within the United States.

We are also participating in the interagency revision of the National Search and Rescue Plan.

In conclusion, we recognize that the defense of the United States Homeland, our people, property, and freedom, is DOD's most fundamental duty. Men and women in military uniform, Active, Reserve, and National Guard, will continue to meet that obligation with passion, professionalism, and a resolute sense of purpose.

Mr. Chairman, I'll look forward to your questions.

[The prepared statement of Mr. McHale follows:]

## PREPARED STATEMENT BY HON. PAUL MCHALE

## INTRODUCTION

Chairman Cornyn, Ranking Member Reed, distinguished members of the subcommittee: thank you for the opportunity to address you today on the Department of Defense's (DOD) important role in protecting the United States from enemy attacks and responding to the consequences of attacks and natural disasters.

As noted in the recently released Quadrennial Defense Review (QDR), the United States is a nation engaged in what will be a long war. Since the attacks of September 11, 2001, our Nation has fought a global war against violent extremists who use terrorism as their weapon of choice, and who want to destroy our free way of life. Our enemies seek weapons of mass destruction (WMD) and, if they are successful, will likely attempt to use them in their conflict with free people everywhere.

As we wage this long war, we must also be prepared for other threats. Hostile states could attack the United States using WMD delivered by missiles or by means such as commercial shipping or general aviation. They could attack surreptitiously through surrogates, and, of course, there is also the danger that the WMD capabilities of some states could fall into the hands of, or be given to, terrorists who could use them to attack the United States.

In addition to their duties overseas, U.S. forces have taken on greater roles at home since this long war began. Immediately following the September 11, 2001, terrorist attacks, U.S. forces were called upon to assist in securing the Homeland. Working alongside other Federal agencies, DOD answered the call. At the President's direction, Active and Reserve Forces: conducted combat air patrols over major cities to prevent follow-on attacks; reinforced the Nation's land borders; guarded shipping lanes; protected harbors; secured critical infrastructure; and guarded airports and other transportation hubs temporarily until the establishment of the Transportation Security Administration (TSA). Specialized anti-terrorism and chemical and biological incident response forces also deployed to Washington, DC, in the wake of the 2001 anthrax attacks.

Whether at home or abroad, defending our Nation, fighting our wars, or responding to disasters, the men and women of our military—Active, Guard, and Reserve—have proven that they are dedicated, adaptable, and ready to answer the call to duty.

## PROTECTING THE UNITED STATES

The 2005 National Defense Strategy designates securing the United States from direct attack as our first objective. DOD gives top priority to dissuading, deterring, and defeating those who seek to harm the United States directly, with a paramount emphasis upon enemies potentially armed with WMD. Protecting the U.S. Homeland requires a global, active, and layered defense strategy. There is no "home game." There is no "away game." There is only one game. We are engaged in a global conflict. In that global conflict, the defense of the U.S. Homeland is the preeminent duty. Therefore, Homeland Defense must be seen as an integral part of a global, active, layered defense—a defense in depth that has as its single goal to secure the United States and its citizens from attack. In addition to the National Defense Strategy, last year we also completed DOD's first Strategy for Homeland Defense and Civil Support. By articulating strategic goals and objectives, we add coherence and direction to relevant activities across the DOD that include: deterring and preventing attacks; protecting critical defense and designated civilian infrastructure; providing situational understanding; and preparing for and responding to incidents.

To secure our freedom and safeguard the American way of life we cannot depend on passive or reactive defenses. A purely passive defense would be subject to enemy reconnaissance and inevitable defeat. By contrast, an active, layered defense relies on early warning of an emerging threat in order to quickly deploy and execute a decisive response. An active defense is a powerful deterrent, dissuading enemies and denying them the operational initiative.

U.S. forces are prepared to: intercept and defeat threats against U.S. territory, within U.S. territorial waters and airspace, and at a distance from the Homeland; protect against and mitigate the consequences of any attack; and/or conduct military operations in response to any attack.

Here at home, it is the primary mission of the DHS to prevent terrorist attacks within the United States, including stopping terrorists from coming across our borders, coming through our ports, or hijacking aircraft inside or outside the United States. The Attorney General leads our Nation's law enforcement effort to detect, prevent, and investigate terrorist activity within the United States. DOD's responsi-

bility is to employ our warfighting capabilities, subject to constitutional and statutory authority, in a military defense of U.S. lives, property, and individual freedom.

#### DOD'S HOMELAND DEFENSE AND CIVIL SUPPORT POSTURE

All U.S. military commands throughout the world have a role to play in the active defense-in-depth of the United States. Three military commands—U.S. Northern Command (NORTHCOM), the North American Aerospace Defense Command (NORAD), and U.S. Pacific Command (PACOM)—are directly involved in the defense of the U.S. Homeland. Additionally, the U.S. Strategic Command (STRATCOM) is the lead combatant commander for integrating and synchronizing military efforts to combat WMD, including ensuring the force structure and necessary resources are in place to help all combatant commands defeat WMD.

To meet emerging threats, DOD is postured to deter, defend against, and defeat threats to the United States in the air, maritime, and land domains.

#### *Air Defense*

In the air domain, DOD has primary responsibility for defending U.S. airspace and protecting the Nation's air approaches. The air domain is guarded, patrolled, and monitored by the bi-national U.S.-Canada NORAD. Since the terrorist attacks of September 11, 2001, more than 42,000 fighter, aerial refueling, and airborne early warning sorties have been flown, while more than 2,000 air patrols have responded to actual incidents and suspicious flight operations. We also have air defense alert fighters positioned throughout the United States and Canada that are capable of reaching major population centers and high-value infrastructure within minutes. The number of alert fighters can be increased or decreased according to emerging threat levels.

We continually adjust our posture in order to protect the National Capitol Region (NCR), the seat of the U.S. Government. The DOD conducts irregular air patrols, maintains a dedicated 24-hours-a-day/7-days-a-week alert fighter response based at Andrews Air Force Base, Maryland, and has a dedicated ground missile defense system located to provide around-the-clock coverage for the NCR. In addition, last year, DOD provided the Visual Warning System (VWS) to warn wayward pilots to contact the Federal Aviation Administration (FAA) air traffic controllers immediately and to depart from restricted airspace. We also detailed DOD liaison officers to serve at the TSA-hosted NCR Coordination Center (NCRCC) on a full-time basis and provided key interagency operations centers and the NCRCC access to DOD's classified conferencing capability, which is used for DOD coordination and decision making during the response to hostile domestic air threats.

In addition, DOD has begun deploying missile interceptors at Fort Greeley, Alaska, to protect the U.S. Homeland from ballistic missile attack even as system development, testing, and fielding continue.

#### *Maritime Domain*

The maritime domain—including international waters, the maritime approaches to the United States, our territorial seas, and other U.S. navigable waters—is guarded by a highly effective partnership between the U.S. Navy and the U.S. Coast Guard. The U.S. Navy defends the sea approaches to the United States and works with the U.S. Coast Guard to patrol international waters and our territorial seas.

In December 2004, DOD and DHS signed a memorandum of agreement that incorporated the U.S. Coast Guard in support of DOD maritime homeland defense operations. This memorandum of agreement established a joint command, control, and coordination structure using existing DOD and U.S. Coast Guard operations centers. A similar memorandum of agreement that would include DOD in support of U.S. Coast Guard maritime homeland security operations is currently awaiting final approval. This close coordination is essential to our ability to interdict terrorists and others attempting to enter the United States, possibly with WMD materiel and components, via the maritime domain.

This year, the Secretary of Defense approved a new NORTHCOM Maritime Homeland Defense Execute Order, which provides readily accessible forces, procedures, coordination requirements, and rules of engagement to counter all threats to the U.S. Homeland, including WMD proliferation.

Additionally, in multiple theaters in the global war on terror, forward-deployed U.S. Navy assets work with other agencies to identify, track, and intercept threats before they threaten the United States.

#### *Land Domain*

It is the primary mission of DHS to prevent terrorist attacks within the United States. The Attorney General leads our Nation's law enforcement efforts to detect,

prevent, and investigate terrorist activity within the United States. Accordingly, DOD does not have the assigned responsibility to stop terrorists coming across our borders, to stop terrorists from coming through U.S. ports, or to stop terrorists from hijacking aircraft inside or outside the United States (these responsibilities belong to DHS). Nor does DOD have the authority to seek out and arrest terrorists in the United States (these responsibilities belong to DOJ). DOD does have a role in providing support to civil authorities, when appropriate and as permitted by law. DOD has deployed numerous assets both to defend the U.S. Homeland and to assist civil authorities:

- Quick Reaction Forces and Rapid Reaction Forces, highly trained U.S. Army and U.S. Marine Corps units, are postured to respond to a wide range of potential threats to the U.S. Homeland, including critical infrastructure protection.
- The U.S. Marine Corps Chemical-Biological Incident Response Force (CBIRF), headquartered at Indian Head, Maryland, can deploy to assist local, State, or Federal agencies and military commanders in consequence management operations by providing: capabilities for detection and identification; casualty search, rescue, and personnel decontamination; and emergency medical care and stabilization of contaminated personnel. CBIRF was instrumental in responding to the discovery of ricin in the Dirksen Senate Office Building in February 2004.
- Joint Task Force Civil Support, headquartered in Fort Monroe, Virginia; Joint Task Force Consequence Management East, headquartered at Fort Gillem, Georgia; and Joint Task Force Consequence Management West, headquartered at Fort Sam Houston, Texas, can provide consequence management support to civil authorities in the case of WMD attacks.
- Joint Force Headquarters NCR, based at Fort McNair in Washington, DC, is responsible for land homeland defense, civil support, and consequence management in the NCR.
- Joint Task Force North (JTF-N), headquartered at Fort Bliss, Texas, supports counterdrug, counterterrorism, and other operations to counter-transnational threats.
- Joint Task Force Alaska, based at Elmendorf Air Force Base, Alaska, is responsible for land homeland defense and civil support operations in Alaska, and Joint Task Force Homeland Defense, based at Fort Shafter, Hawaii, has these responsibilities in Hawaii and U.S. territories, possessions, and protectorates in the Pacific.

#### DOD'S ROLE IN THE SECURITY OF THE UNITED STATES BORDERS

In accordance with section 202 of title 6, U.S. Code, DHS is responsible for “[s]ecuring the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States” and “[p]reventing the entry of terrorists and the instruments of terrorism into the United States.” DOD’s role in the execution of this responsibility, as noted earlier, is to provide support to DHS, when requested, appropriate, lawful, and approved by the President or the Secretary of Defense.

DOD Active and Reserve component forces and the National Guard have conducted a wide variety of counternarcotics missions along the southwest border of the United States since 1989. That support to civilian law enforcement has included activities such as surface and aerial reconnaissance; minor construction; establishing tactical observation posts, training, intelligence analysis, linguist support, and transportation; and conducting training exercises along the border to provide terrain denial. DOD also supports requests from DOJ, DHS, and the High Intensity Drug Trafficking Area (HIDTA) Task Force Headquarters for unique military assistance, such as reconnaissance (ground-based, aviation-based, and maritime), logistics, transportation, engineer support along the southwest border, as well as intelligence programs and training.

Since September 11, 2001, policy and operational changes in DOD have improved the alignment of resources and efforts where there is a potential relationship between terrorism and narcotics trafficking. Congress recognized the possible interplay between drug trafficking and terrorism and included in the National Defense Authorization Act for Fiscal Year 2004 a provision that addressed the authority of the Secretary of Defense to expand the mission of DOD joint task forces from counternarcotics to include counterterrorism activities.

Since the terrorist attacks of September 11, 2001, DOD has also engaged in a number of activities to assist civil authorities in improving the security of our borders:

- March–August 2002. DOD mobilized some 1,600 National Guard personnel along the northern and southern borders to support the U.S. Customs Service, the Immigration and Naturalization Service (INS), and the Border Patrol, in their heightened post-September 11 security posture.
- October–November 2003. A Predator B Unmanned Aerial Vehicle (UAV), scheduled for future delivery to DOD, operated in support of DHS Immigration and Customs Enforcement (ICE) Operation Safeguard, a humanitarian/law enforcement effort to protect lives of illegal aliens and enforce immigration law during crossings along the southwest border into the United States. Operation Safeguard provided an opportunity for DOD to demonstrate UAV capabilities to border authorities. Operation Safeguard also served to highlight the policy, legal, and infrastructure issues that must be examined in tandem with technology development. These include challenges associated with the use of UAVs in controlled domestic airspace as well as the extensive infrastructure (e.g., communications, exploitation tools, imagery analysts) required to process and exploit information collected by UAVs.
- June–September 2004. DOD UAVs operated in support of the Arizona Border Control Initiative (ABCI), which sought to detect illegal entry and smuggling/drug activity along the Arizona-Mexico border, and to aid in the rescue of lost or injured persons.
- November 2004–January 2005.
  - JTF–N supported the U.S. Customs and Border Protection (CBP) Operation Winter Freeze, an operation to interdict suspected transnational threats along the U.S.-Canadian border in the Swanton and Buffalo sectors (New Hampshire, Vermont, and New York). The military provided aerial reconnaissance and interdiction sorties and augmented two Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive (CBRNE) detection checkpoints.
  - Army Hunter UAVs flew sorties to detect illegal entry/drug activity along the Arizona–Mexico border in support of the ABCI.
- June 2005. DOD supported a DHS bi-national interagency exercise, “Operation San Juan,” involving CBP and Royal Canadian Mounted Police activities along the northwest border in Washington State. DOD provided surveillance radars, ground sensors, and military personnel to operate them.
- September 2005. DOD supported DHS CBP by providing flight operations support at Fort Huachuca, Arizona, to UAV operations supporting counterterrorism border enforcement efforts.
- October–November 2005. JTF–N supported DHS CBP’s efforts to interdict transnational threats in the El Paso Sector by conducting multi-sensor operations (ground-based forward-looking infrared, tactical unmanned aerial vehicles, ground sensors, ground surveillance radars) in Hidalgo, Grant, Luna, and Dona Ana counties of New Mexico.

#### DEFENSE SUPPORT OF CIVIL AUTHORITIES

At the direction of the President or Secretary of Defense, the DOD supports civil authorities—as appropriate and consistent with the law and the imperative to sustain military readiness—for designated activities and as part of a comprehensive national response to prevent and protect against terrorist incidents or to recover from an attack or a disaster.

DOD has significant resources that may be available to support civil authorities. In Incidents of National Significance, DOD’s support is provided consistent with the National Response Plan (NRP), which was published in December 2004. The Secretary of Defense retains command of military forces providing defense support to civil authorities (DSCA)—sometimes referred to as “civil support”—as with all other military operations. In accordance with the NRP, when requested, and upon approval of the Secretary of Defense, DOD provides DSCA during domestic incidents. Accordingly, DOD is considered a support agency for all of the NRP’s emergency support functions.

There are three primary mechanisms by which DOD takes part in a Federal response to a domestic incident. Federal assistance, including assistance from DOD, can be provided: (1) at the direction of the President; (2) at the request of another Federal agency under the Economy Act, or (3) in response to a request from DHS’s Federal Emergency Management Agency under the Stafford Act. The second and third mechanisms require a request for assistance and approval of the Secretary of Defense.

DOD resources employed in support of domestic civil authorities are under the command and control of Commander, NORTHCOM, for responses in the Conti-



mental United States, Alaska, the Commonwealth of Puerto Rico, U.S. Virgin Islands, and the District of Columbia; or Commander, PACOM, for Hawaii and U.S. territories, possessions, and protectorates in the Pacific region.

DOD has continued its long tradition of DSCA while maintaining its primary mission of fighting and winning the Nation's wars. In 2003, DOD acted on 75 RFAs from more than 20 civilian agencies. In 2004, DOD acted on 99 RFAs from domestic civilian agencies. DOD's response to the catastrophic effects of Hurricane Katrina was the largest and most rapid military deployment within the United States since the Civil War. More than 72,000 Federal military and National Guard personnel were deployed in response to Hurricane Katrina—more than twice the number that deployed in response to Hurricane Andrew in 1992 (more than 29,000). These forces were directly employed in saving lives through extensive search and rescue, evacuation, and medical assistance. Other military capabilities employed during the response included 23 ships, 68 fixed-wing aircraft, 293 helicopters, amphibious landing craft, space-based imagery, night vision capabilities, port and waterway surveillance, mortuary teams, and large-scale construction support provided through the U.S. Army Corps of Engineers and U.S. Navy Seabees. Additionally, nine DOD installations served as logistical staging areas for the delivery of supplies and as sites for Federal Medical Shelters. Little Rock Air Force Base, Arkansas, was designated as the central collection point for foreign relief donations. During the response to Hurricane Katrina, DOD acted on more than 90 hurricane-related RFAs from civil authorities requiring a broad range of military capabilities. Some of these requests were approved orally by the Secretary of Defense or the acting Deputy Secretary of Defense, and were in execution when the approval paperwork caught up later. DOD felt a sense of urgency and acted upon it, as provided for within the NRP. In addition to Hurricane Katrina, DOD acted on more than 140 requests for assistance in 2005, including responses to Hurricanes Dennis, Ophelia, and Rita, and the provision of UAV support to DHS border security activities.

#### THE TOTAL FORCE

The Strategy for Homeland Defense and Civil Support, which was published 2 months prior to Hurricane Katrina, reflects a Total Force approach to homeland defense and domestic civil support missions, incorporating the capabilities of trained and equipped Active-Duty, National Guard, and Reserve Forces. This approach preserves the historic Federal relationship between the various levels of government while, at the same time, recognizing the unique capabilities of the Total Force to respond immediately to American citizens who are desperately in need. The Total Force—Active, Reserve, and National Guard—is even now engaged in activities at home and abroad that promote the security and interests of our Nation. The National Guard, in particular, provides unique capabilities in every U.S. State and Territory. The modern-day National Guard effectively operates as an operational force for military missions at home and abroad and can answer no-notice calls by the President, the Secretary of Defense, or the Governors to respond to natural or man-made catastrophic incidents here at home.

The DOD planned for and employed a balance of Active, Reserve, and National Guard capabilities in responding to Hurricane Katrina. In contrast to Hurricane Andrew (1992), in which National Guard Forces constituted 24 percent of the military response, National Guard Forces represented more than 70 percent of the military force for Hurricane Katrina. Even while 75,000 National Guard members were deployed overseas, under the leadership of Lieutenant General Blum and the various state Adjutants General, the National Guard amassed more than 30,000 personnel in 96 hours in response to Hurricane Katrina. At the height of Hurricane Katrina relief efforts, the National Guard deployed a total of 50,000 military personnel. National Guard personnel from every State, Territory, and the District of Columbia were involved in Hurricane Katrina response operations. Further, National Guard Weapons of Mass Destruction—Civil Support Teams (WMD—CSTs) from 14 States deployed to provide state-of-the-art communications capabilities to local authorities and assistance and advice on identifying and handling hazardous materials from damaged infrastructure.

The National Guard provides important capabilities to NORTHCOM and PACOM, including situational awareness capabilities, intelligence and information feeds, chemical-biological weapons of mass destruction response force packages, and forward-deployed command and control apparatuses and joint logistics bases, as needed.

In the 2005 National Defense Authorization Act, Congress authorized the Secretary of Defense to provide funds to the Governor of a State for the use of the National Guard in a title 32 status (State control/Federal funding) for approved home-

land defense activities. This new authority recognizes both the truly global nature of the current war and the special capabilities and contributions of the National Guard—a force located in every State and Territory, very familiar with the local geography, officials, and population, and well versed in working with other U.S. agencies. Under this authority, National Guard Forces will be engaged directly in the defense of the U.S. Homeland in a manner not seen since the early days of our country.

#### HURRICANE KATRINA LESSONS LEARNED

Hurricane Katrina and the subsequent sustained flooding of New Orleans exposed significant flaws in our national preparedness for catastrophic events and our Nation's capacity to respond to them. Emergency plans at all levels of government were put to the test and came up short. As a result, President Bush, in his September 15, 2005, address to the Nation from Jackson Square in New Orleans, made it clear that the Federal Government will make the necessary changes to be "better prepared for any challenge of nature, or act of evil men, that could threaten our people."

President Bush subsequently ordered a comprehensive review of the Federal response to Hurricane Katrina—this review resulted in the publication of "The Federal Response to Hurricane Katrina: Lessons Learned." Regarding DOD, the review states:

The Federal response to Hurricane Katrina demonstrates that the Department of Defense (DOD) has the capability to play a critical role in the Nation's response to catastrophic events. During the Katrina response, DOD—both National Guard and Active-Duty Forces—demonstrated that along with the Coast Guard it was one of the only Federal departments that possessed real operational capabilities to translate Presidential decisions into prompt, effective action on the ground. In addition to possessing operational personnel in large numbers that have been trained and equipped for their missions, DOD brought robust communications infrastructure, logistics, and planning capabilities. Since DOD, first and foremost, has its critical overseas mission, the solution to improving the Federal response to future catastrophes cannot simply be "let the Department of Defense do it." Yet DOD capabilities must be better identified and integrated into the Nation's response plans.

The White House recommendations correlate well with our internal lessons learned effort. We have already begun to implement improvements with an urgent focus on the operational challenges associated with this year's upcoming hurricane season. For example, DOD is:

- Developing pre-scripted requests for assistance that would speed the response to a catastrophic event;
- Completing a contingency plan defining NORTHCOM's role in planning and executing support to DHS during domestic contingencies;
- Reviewing its Immediate Response Authority with a view to making appropriate changes if necessary;
- Providing a strategic planner as a detailee to the DHS's Policy Directorate and reviewing DOD personnel support to DHS in terms of both numbers and expertise to identify appropriate adjustments;
- Developing a framework to provide initial damage reconnaissance, including those capabilities provided by the National Geospatial Intelligence Agency (NGA) and the National Security Agency (NSA), as part of a STRATCOM civil support plan;
- Proposing legislation that would allow more effective and rapid mobilization of applicable Reserve units to conduct all-hazards civil support missions in response to disasters;
- Participating in the interagency revision of the National Search and Rescue Plan, including disaster response operations and address air traffic control and coordination; and
- Pursuing better integration of Federal military force and State National Guard during planning and exercises. In the future, integrated planning can be enhanced by anticipating incidents and their operational requirements, as well as by training and exercising for the 15 National Planning Scenarios developed by DHS. NORTHCOM is developing detailed operational plans for all foreseeable mission requests. Additionally, beginning in February 2006, NORTHCOM will participate in DHS's effort to review emergency plans in all 54 States and Territories. We will integrate the lessons learned from the response to Hurricane Katrina into future exercises

to minimize or mitigate military command and control difficulties during responses to future disasters. Finally, when justified by the disabling impact of a catastrophic incident upon State and local authorities and the need to act swiftly to save lives, the President has the necessary authorities to Federalize National Guard Forces and establish “unity of effort” by establishing a unity of command, placing all military forces—Active, Reserve, and National Guard—in title 10 status.

#### CONCLUSION

As stated in the Strategy for Homeland Defense and Civil Support, the United States faces ruthless enemies who seek to break our will by exploiting America’s fundamental freedoms. Our adversaries are eager to employ violence against Americans at home. In this environment, DOD’s paramount goal will continue to be the defense of the U.S. Homeland from direct attack.

A new kind of enemy requires a new concept for defending the U.S. Homeland. The terrorist enemy now considers the U.S. Homeland a preeminent part of the global theater of combat, and so must we. We cannot depend on passive or reactive defenses but must seize the initiative from adversaries.

The active, layered defense articulated in the Strategy for Homeland Defense and Civil Support seamlessly integrates U.S. capabilities in the forward regions of the world, the global commons, the geographic approaches to the U.S. territory, and within the United States. Whether in a leading, supporting, or enabling role, the DOD, guided by this Strategy and consistent with U.S. law, will work with a sense of urgency to protect the U.S. Homeland and the American people.

Defending the U.S. Homeland—our people, property, and freedom—is our most fundamental duty. Failure is not an option.

Senator CORNYN. Thank you very much, Secretary McHale.  
General Inge, we’d be pleased to hear from you.

#### **STATEMENT OF LTG JOSEPH R. INGE, USA, DEPUTY COMMANDER, UNITED STATES NORTHERN COMMAND**

General INGE. Chairman Cornyn, Senator Reed, distinguished members of the subcommittee, thank you for the opportunity to report on NORTHCOM’s homeland defense and civil support operations.

As we enter our fourth year at NORTHCOM, we are mission capable, and we are responding to the needs of the Nation. Our primary focus is on homeland defense, deterring, preventing, and defeating attacks. We also stand ready to assist primary agencies in responding quickly to manmade and natural disasters, as directed.

When we became NORTHCOM some 4 years ago, we inherited a family of plans from various organizations across the land. In conjunction with taskings from the Joint Strategic Capabilities Plan, we have built those plans into a family of plans. We now have some 12 plans that are either complete or very near complete. These plans are the foundation of our ability to deter, prevent, and defeat threats to our Nation, and to assist civil authorities when called upon by the President or the Secretary of Defense.

To refine these plans and to hone our ability to accomplish our missions, we conduct frequent and demanding exercises. Our exercises scenarios have simulated a wide range of homeland defense and civil support challenges. These challenges have been exercised in the air, the land, the sea, both natural and manmade.

To date, over 150 Federal, State, local, and multifunctional non-governmental organizations (NGO) have participated in our exercises. After each of these, we conduct a comprehensive review to identify lessons learned. We adjust our operations and our plans, in accordance with these lessons learned, to improve our ability to protect Americans and supply primary agencies in times of crisis.

I would also add that we adjust a similar rigorous after-action review process after each event, in terms of a real operation.

Day-to-day, we sustain continuous situational awareness and readiness to defend the United States against a range of threats in all domains. Our operations center is up and running 24 hours a day, 7 days a week, 365 days a year. It is manned by a team of qualified and competent professionals interfaced with other agencies within Government, and, particularly, I would add, with the National Guard. We are networked with our subordinate commands and stand ready to respond immediately in time of crisis.

NORTHCOM has four subordinate headquarters, that I believe you are aware. Briefly, Joint Forces National Capital Region, located here, at Fort McNair, is responsible for land-based homeland defense, civil support, and incident management within the NCR. Joint Task Force Civil Support is located in Fort Monroe, Virginia, and command and control's DOD forces that respond to catastrophic chemical, biological, radiological, nuclear, and high-yield explosive events. Joint Task Force Alaska, located at Elmendorf Air Force Base in Alaska, is under PACOM for normal operations. If Alaska-based forces are needed for homeland defense or civil support operations, NORTHCOM will command and control the forces through Joint Task Force Alaska. Joint Task Force North, located at Fort Bliss, Texas, supports law enforcement agencies in counterdrug, counterterrorism, and border patrol operations along the northern and southwest U.S. borders.

In addition, the Army, Air Force, and Marine Corps have established dedicated service components for NORTHCOM. These commands are 5th United States Army, located at Fort Sam Houston, Texas; 1st Air Force, Air Force North, located at Tyndall Air Force Base, Florida; Marine Forces North, located in New Orleans, Louisiana; and the Commanders of Fleet Forces Command located in Norfolk, Virginia, is designated as the Navy's supporting command to NORTHCOM.

In the area of civil support, DOD has a long history of supporting civil authorities, providing specialized skills and assets that can rapidly stabilize and improve situations in the wake of catastrophic events. All DOD support is provided at the direction of the President or the Secretary of Defense and in accordance with the National Response Plan and applicable laws.

In the past year, we have supported the President's State of the Union Address, the United Nations 60th General Assembly, National Interagency Fire Center, combating wildfires in Arizona, Colorado, Idaho, Nevada, and many other States in the western United States. We have supported Customs and Border Protection—just to name a few.

In 2005, we supported the DHS in four hurricanes, including the unprecedented response to Hurricane Katrina. We continue to support law enforcement in combating illegal drugs and other transnational threats. Federal laws and policies allow us to assist law enforcement agencies in conducting their mission and securing our borders. All DOD involvement in border security operations is solely in support of civilian law enforcement agencies.

We actively coordinate with other agencies, including the DHS and the National Guard, to develop stronger working relationships

with State, regional, local, and international partners. We will never operate alone. We know this. In everything we do—planning, exercising, conducting realworld operations—we continue to improve our ability to support civil authorities in responding to disasters, while never losing focus of our primary mission, which is defending our Homeland. Our enemies should make no mistake about our resolve or our capabilities.

We thank the members of this committee for their steadfast support to our men and women in uniform, and I look forward to your questions.

[The prepared statement of General Inge follows:]

PREPARED STATEMENT BY LTG JOSEPH R. INGE, USA

Chairman Cornyn, Senator Reed, and members of the subcommittee: Thank you for this opportunity to discuss homeland defense and civil support operations.

U.S. Northern Command (NORTHCOM) is responsible for homeland defense, sustaining continuous situational awareness and readiness to protect the United States against a range of symmetric and asymmetric threats in all domains. Day-to-day, we are focused on deterring, preventing and defeating attacks against our Homeland. We also stand ready to assist primary agencies in responding quickly to man-made and natural disasters, when directed by the President or Secretary of Defense. To better serve Americans in their time of need, we are actively coordinating with other Federal agencies and developing stronger working relationships with State and local partners.

NORTHCOM conducts maritime operations to deter terrorist operations and prevent attacks against the United States and its allies. During the past year, we analyzed and disseminated to government leaders information on the global maritime environment to facilitate situational awareness and decision making. NORTHCOM pursued and effectively garnered national and international support and strengthened partnerships to deter and disrupt terrorist activity. We also monitored threats of interest in the global maritime environment.

For land domain operations, NORTHCOM postures and positions forces to deter and prevent attacks. Quick and rapid response forces and consequence management forces are maintained at appropriate alert levels to meet potential threats. During the 2004 national election period, we provided assistance for border security, conducted airport vulnerability assessments, and deployed forces trained for radiological detection at the request of the Department of Homeland Security (DHS) and the direction of the Department of Defense (DOD).

our Homeland is protected from air threats primarily by the North American Aerospace Defense Command (NORAD). NORTHCOM and NORAD work closely together in defending our Nation's airspace. Across the United States and Canada, armed fighters are on alert and flying irregular air patrols to identify and intercept suspect aircraft. Since September 11, 2001, as part of Operation Noble Eagle, NORAD has flown more than 42,000 accident-free sorties and scrambled or diverted fighters more than 2,000 times in response to potential asymmetric threats. In addition, NORAD remains postured to defend against strategic airborne threats to the United States and Canada. NORTHCOM is responsible for air operations within our area of responsibility such as evacuation and movement of people and high-value cargo via military airlift. In addition, NORTHCOM has the capability to use NORAD air defense alert aircraft to conduct unilateral operations as required and directed.

The DOD has a long history of supporting civil authorities with specialized skills and assets that can rapidly stabilize and improve the situation in the wake of catastrophic events. All requested DOD support is provided at the direction of the President or Secretary of Defense and in accordance with the National Response Plan and applicable laws, including the Stafford Act and the Economy Act.

NORTHCOM provides defense support of civil authorities primarily through our subordinate commands Joint Task Force Civil Support at Fort Monroe, Virginia; Joint Force Headquarters National Capital Region at Fort McNair, Washington DC; Joint Task Force Alaska at Elmendorf Air Force Base, Alaska and Joint Task Force North (JTF-N) at Fort Bliss, Texas. In addition, the Army, Air Force and Marine Corps have established dedicated Service Components for NORTHCOM. These commands include: Army North located at Fort Sam Houston, Texas; Air Force North located at Tyndall Air Force Base, Florida, and Marine Forces North located in New

Orleans, Louisiana. The Commander Fleet Forces Command, located at Naval Station Norfolk, Virginia, is designated as the Navy's Supporting Commander to NORTHCOM.

The Homeland Security Act of 2002 assigns the Secretary of Homeland Security the responsibility for security of our Nation's borders. NORTHCOM's role in the border security mission is to provide support to civil authorities, principally the DHS. We provide such support under chapter 18 of title 10. When Customs and Border Protection requests the military's support, the Office of the Secretary of Defense evaluates their request, and as directed, NORTHCOM provides the necessary support. NORTHCOM's involvement in border security operations is always in support of civilian law enforcement agencies. Coordinated by JTF-N, our force providers continue to support law enforcement agencies in the war against illegal drugs and other transnational threats through the application of emerging DOD-unique technologies. This includes intelligence and operational support missions. Intelligence support includes employing military intelligence analysts to develop operational intelligence products that we can share with our interagency partners for their use in early cuing, warning, and interdiction operations. Operational support includes detection missions using a variety of sensors that are unique to the DOD in order to improve a supported law enforcement agency's ability to detect, monitor and interdict transnational threats. Construction of roads, bridges and fences, as well as installing area lighting to improve the ability of law enforcement officers to move, identify and respond to threats crossing the border are also a part of this mission category.

In addition to assisting the law enforcement agencies that request such support, JTF-North's intelligence and operational support missions provide military training opportunities for the title 10 and National Guard Forces that conduct them. JTF-North recruits units to volunteer for these missions by soliciting forces from all Services, both Active and Reserve components. Through JTF-N, NORTHCOM employed unmanned aerial systems along the southwest border in support of U.S. Customs and Border Protection. While obtaining unmanned aerial system training, these flights greatly assisted in the detection and apprehension of those engaged in illegal drug trafficking in New Mexico and Arizona.

During 2005, NORTHCOM supported DHS in responding to four hurricanes. For Hurricane Katrina, we established Joint Task Force Katrina to oversee title 10 operations for the most complex civil support mission in the history of the U.S. military. DOD provided Defense Coordinating Officers and Elements, DOD bases for mobilization centers, airlift, ground transportation assets, aerial damage assessment, satellite communications, airborne and waterborne search and rescue, subsistence, water purification, mosquito abatement and medical support. We are actively involved in efforts to compile lessons learned and incorporate them into future operations. One very important lesson we learned pertains to unity of effort and unity of command. NORTHCOM was in charge of 22,500 Active-Duty Forces. Additionally, there were 50,000 National Guardsmen in state status (title 32 and state Active-Duty). Commanding and directing 22,500 Active-Duty Forces and coordinating with the National Guard the efforts of over 50,000 state status National Guard troops presented challenges. We embrace the fact that the National Guard will play a pivotal role in disasters. However, the Nation should have the capability to effect unity of effort among Active-Duty Forces and state status National Guard Forces when assembling and directing a large-scale, multi-state and international response to a catastrophic event. We are prepared to respond as directed by the President or Secretary of Defense.

Another lesson learned from our response to Hurricane Katrina relates to communications. We need immediate, reliable communications that are survivable, flexible and interoperable with our civilian partners. These communications must be mobile, secure and both voice and data capable.

As we act to support civil authorities in responding to natural disasters, we never lose focus on our primary mission of homeland defense. We thank the members of the Senate Armed Services Committee for their unwavering support of NORAD and NORTHCOM. We are grateful for all that you have done to ensure our men and women in uniform have the tools they need to keep our Nation and the American people safe and free. Thank you for your time. I look forward to your questions.

Senator CORNYN. Thank you very much, General Inge.  
General Blum, we would be glad to hear from you.

**STATEMENT OF LTG H. STEVEN BLUM, USA, CHIEF, NATIONAL  
GUARD BUREAU**

General BLUM. Thank you, sir.

Chairman Cornyn, Senator Reed, and distinguished members of the subcommittee, thanks for the opportunity to appear here today and talk about your National Guard and its role in homeland defense in support of homeland security, as well as the great job we do overseas when we're called into Federal service.

The Army and the Air National Guard this past year have had a very historic year. We had more people overseas than at any other time since World War II. We made up over 50 percent of the Army's combat formations in Iraq. We're training the Afghan national army, keeping the peace in the Sinai, maintaining the peace in the Balkans, Bosnia, and Kosovo, and sending citizen airmen and soldiers to 40 other nations in the global war on terrorism. At the same time, we had our busiest year ever in terms of military response to natural disasters.

Hurricanes Katrina, Rita, and Wilma were not the only things the National Guard did last year. We were called out for several hundred local- and State-level emergencies brought on by either industrial accidents, civil unrest, critical infrastructure protection, or the effects—the weather patterns that affected the States of our great Nation.

We are leveraging existing combat capabilities and technologies that we use to fight the war. We are a full-spectrum force, and we apply those same skill sets, experience, knowledge, and technologies here at home when we're called out either by the Governors or the President to execute our duties.

Your National Guard has 10 essential core elements that we feel are necessary to be able to do homeland defense or homeland readiness indicators, as we call them. They fall into the categories of aviation, engineering, civil support teams, security forces, medical, transportation, maintenance, logistics, and, of course, what we used to call command and control (C2), or we do call command and control everywhere else in the world, but here at home, I think C2 takes a different definition. It's not really C2 we're talking about. We're talking about communications and coordination. So, we have a Joint Force Headquarters in every single State and Territory that is superbly able to do that, not only with military forces of all the Services, but with the interagency and the intergovernmental response that was required for the State or the region or the Nation.

Last, and not least—in fact, almost most important—are communications. We are leveraging all of these capabilities, and have established certain protocols, organizations, and capabilities as gap fillers. They are not to take the place of existing title 10 organizations, they are to fill the gap, the capabilities gap, that exists in the early hours of an incident while we are discovering what we are facing and when the American people expect their first military responders to probably be their local National Guard units.

So, what we have done is, we've set up a Joint Force Headquarters in every State and Territory. We've set up a Joint Operations Center that has 24-hour-a-day, 7-day-a-week, 365-day operational coverage, so that we can basically provide a shared awareness with all of those interagency, intergovernmental partners, and

military partners, on the Active-Duty side, such—particularly noteworthy is NORTHCOM—so that we have a shared awareness of what’s going on and a better idea of how we’re going to work together to solve the problem.

We have, of course, the Civil Support Teams that Congress has authorized. They are moving out, and have proven their worth. We sent—I think it was 17, total, responded to Hurricanes Katrina, Rita, and Wilma. What they brought, that communications van that is embedded in that Civil Support Team, proved to be invaluable, because it was one of the few systems that would connect the DOD communications technology with the civilian first-response community’s technologies and communications capabilities.

In addition, we have stood up what we call CERFPs, which are Chem-Bio Response Force Packages. We have 12 of those. Now, with Congress’s assistance and direction, we will stand five more up, so we’ll have a total of 17. They are arrayed all over the United States, so that no region of the United States is left uncovered.

We have something called a Joint Continental United States Communications Support Environment, which is a lot of words that actually mean we take all of the existing technologies in the Air Force and the Army that are resident in the National Guard, and we optimize them so that they can be most useful in feeding situational awareness in a common relative operating picture to NORTHCOM and PACOM in Hawaii, Alaska, and Guam, and that we’re able to pass information in a secure method or a nonsecure method, to include video teleconferencing (VTC), so that everybody really knows what actually is occurring and what needs to be done in any catastrophe.

I think what I’ll do, in the interest of time, is shorten my statement and give you more time for questions, and close in saying that the successful integration of the interagency and intergovernmental, and the civilian and the military organizations, are absolutely essential in any disaster that ever befalls this Nation. The National Guard has a 368-year history of being able to do that quite well. We have a great deal of pride in how well we respond, but we recognize we could do better.

Senator Reed is exactly right, no military organization is ever satisfied with its performance. There are several areas we could improve. They are listed in my report. But mostly they revolve around resourcing, equipment, training and exercising, and planning so that we can be better prepared next time than we even were the last time.

Thank you very much for the opportunity. I await your questions.

[The prepared statement of General Blum follows:]

PREPARED STATEMENT BY LTG H. STEVEN BLUM, USA

Thank you for the opportunity to speak to you today about the National Guard’s role in homeland defense. In addition to the overseas fight, you can rest assured, the National Guard stands ready to protect the Homeland and provide military assets to assist civilian authorities at the request of the Governors or the President, through a rapid, integrated response across the Nation. Geographical distribution, community integration, and other traditional strengths make the National Guard an effective and cost efficient force for many homeland defense (HLD) and civil support requirements at both the State and Federal levels. In preparing for these missions, the National Guard has examined the emerging threats and searched for capability



gaps we must overcome to be successful. I want to stress meeting these needs does not demand a dedicated HLD force structure, rather, they can be addressed through enhanced capabilities for existing warfighting force structure.

The National Guard is a balanced force which operates across the full spectrum of military engagement from close order combat to military support to civil authorities. Training and preparation for the overseas warfighting mission provides National Guard Forces with the vast majority of the preparation required for HLD and civil support. These requirements do not focus solely on material solutions; they also identify needed cultural changes—specifically regarding coordination and unity of effort across multiple agencies and intergovernmental seams. The emphasis of our homeland defense mission is on prevention, pre-event deterrence, and responding within hours after a major incident.

As I'll discuss in a moment, the National Guard's response to homeland defense since September 11, and more recently during Hurricane Katrina has been tremendous. Still, there is room for improvement. Capability and synchronization gaps between local first responders and follow-on State and Federal forces exist and must be addressed to ensure a fully secure America. In June 2005, the Department of Defense (DOD) published the Strategy for Homeland Defense and Civil Support followed shortly in August by Joint Publication 3-26 Homeland Security. This document emphasizes the need to "Lead, Support, and Enable" by executing missions to prevent and repel attacks; working with civil authorities as part of a national response to attack or disaster; and sharing expertise with domestic as well as our international partners. This broad homeland security direction on Homeland Defense and Civil Support (HLD/CS) focuses reliance upon National Guard capabilities within an active, layered defense strategy for the United States.

HLD is mission one for the National Guard. Governors count on the National Guard to be the first military responder and call on Guard assets at their disposal within the first hours of an event, which makes resourcing critical. The National Guard must be able to support the Governors' requirements on an immediate basis, and respond with the right capabilities, to the right location, at the right time. The States have indicated to the National Guard Bureau that there are certain capabilities they feel they need to meet emergencies. At the National Guard Bureau we express these in the following list of 10 essential capabilities each State, Territory, and the District of Columbia must maintain at all times: (1) Aviation, (2) Engineering, (3) Civil Support Teams, (4) Security, (5) Medical, (6) Transportation, (7) Maintenance, (8) Logistics, (9) Joint Force Headquarters, and (10) Communications.

We are seeking to further leverage the capacity currently existing in these 10 essential capabilities to address identified gaps through the development of the following initiatives and concepts.

(1) Joint Force Headquarters-State (JFHQ-State). JFHQ-State is a joint command and control entity in each State and Territory. It is integrated into national consequence management and contingency planning structures. JFHQs provide situational updates (common operating picture) information to national level headquarters before and during any contingency operation and Joint Reception, Staging, and Onward Movements, and Integration for all inbound military forces. Federal law provides a mechanism whereby a National Guard officer can command Federal troops. Such a commander at the head of a Joint Task Force-State (JTF-State) can assume tactical control of all military units—State National Guard, other National Guard Forces, Active component and Reserves. JTF-State commander can be a dual-hatted commander of both title 32 and title 10 forces as demonstrated in the 2004 G8 Summit, Democratic and Republican National Conventions.

(2) Joint Force Headquarters Joint Operations Centers (JFHQ JOC). The JOC is a network composed of the National Guard Bureau JOC and a JOC in the 54 States and Territories. JFHQ JOC serves as the primary entity for coordinating, facilitating, and synchronizing efforts in support of their states, information requirements of National Guard Bureau and customers at the Federal level during natural disasters, National Special Security Events (NSSE), exercises and domestic activities. Each JFHQ JOC has redundant connectivity: DOD architecture of NIPR and SPIR; a High Frequency (HF) network with classified and unclassified voice and data information; and commercial systems.

(3) National Guard Chemical, Biological, Radiological/Nuclear, and high-yield Explosive (CBRNE) Enhanced Response Force Package (NG CERFP). The National Guard developed and fielded 12 NG CERFP teams to provide a regional capability to respond to incidents involving chemical, biological, radiological or high explosive threats. Each team is designed to rapidly (less

than 96 hours) provide the capability to locate and extract victims from a CBRNE incident site and perform mass patient/casualty decontamination and medical triage and stabilization. The CERFP augments the capabilities of the Civil Support Teams (CST). The incremental training and equipment for this capability is specialized, compatible with the first responders, and interoperable with the incident command system. Congress provided direction and, for fiscal year 2006, funding to establish an additional 5 teams bringing the total to 17.

(4) Critical Infrastructure Program-Mission Assurance Assessments (CIP-MAA). National Guard CIP-MAA teams—formerly referred to as Full-Spectrum Vulnerability Assessment teams—execute the pre-planning needed to educate the civilian agencies on basic force protection and emergency response. Additionally, these teams are building relationships with first responders, owners of critical infrastructure and National Guard planners in the States and Territories. CIP-MAA teams deploy traditional National Guard Forces in a timely fashion to assist in protection of the Nation’s critical infrastructure, including vital elements of the Defense Industrial Base. Currently, 6 “pilot” teams staffed by 14 specially trained National Guard personnel conduct vulnerability assessments.

(5) National Guard Reaction Force (NGRF). Being based in so many communities, the National Guard has proven time and again that it can muster forces and be on the scene of an incident within hours. Each of the 54 States and Territories is currently training a battalion size reaction force that can respond anywhere in the state with an initial 75 to 125 person element within a minimum of 4 to 8 hours. So, generally, we can get a company of troops on the ground within hours and a battalion in place overnight. These reaction forces provided crucial support to law enforcement in the response to Hurricane Katrina. The NGRF is task-organized from existing units and can provide Critical Infrastructure Protection (CIP), site security, and security and support during CBRNE contingency operations.

(6) Joint CONUS Communications Support Environment (JCCSE). The National Guard has successfully established a JCCSE nationwide. Each JFHQ established Homeland Security Information Network (HSIN) linkages. The HSIN is an unsecured collection of Department of Homeland Security systems designed to facilitate information sharing and collaboration. Additionally, each Joint Force Joint Operation Center (JF JOC) has secure/non-secure real-time operational network linkages in addition to secure video teleconference capabilities. This is critical to providing real time operational connectivity as well as a common operating picture to local, State, and Federal agencies.

(7) Weapons of Mass Destruction-Civil Support Teams (WMD-CSTs). Include 22 Army and Air National Guard-Active Guard Reserve (AGR) personnel organized, trained, and equipped to enter contaminated areas and identify contaminants within a short period of time. They have extensive reach-back communications capability to facilitate off-site evaluation and support from various laboratories. They are equipped with mobile laboratories capable of providing identification of chemical or biological materials. To date, the National Guard has fielded 36 CSTs and will have 55 teams by fiscal year 2007.

(8) Aviation Security and Support (S&S) Battalions. As part of the Army’s overall aviation transformation, the Army National Guard has been able to convert and grow some valuable dual-purpose aviation structure that will be readily available and responsive to homeland security/defense needs, in addition to their normal Army operational mission. The ARNG officially activated 6 of these 24-aircraft S&S Battalions on October 1, 2005, and placed them in readily responsive locations across 44 States.

We are, once again, on point to test many of these measures as we are fast approaching another hurricane season. In this post-Katrina era we find that the best preparation for the next potential disaster is history.

With that said, I am particularly proud of the timeliness and magnitude of the National Guard’s efforts in advance of Hurricane Katrina and our response in its immediate aftermath. National Guard Forces were in the water and on the streets of New Orleans rescuing people within 4 hours of Katrina’s passing. Over 50,000 National Guard personnel hailing from every State and Territory responded to calls for support of the affected region.

This response was phenomenal; however, it is the “lessons learned” from Katrina that require—in fact, demand—our immediate attention. Through conversations with troops on the ground, commanders, Senate and House hearings, and most re-

cently the White House's February report, The Federal Response to Hurricane Katrina Lessons Learned, released by Frances Townsend, Assistant to the President for Homeland Security and Counterterrorism, the National Guard has three major issue areas that need to be addressed—resourcing, interoperability, command and control of all military forces, and training.

#### RESOURCING

Even prior to September 11, the National Guard did not have all of the equipment it is required to have. The pace of combat has placed even further challenges on us. In order to ensure that deploying units are fully equipped and ready to support operations anywhere in the world, we have transferred over 101,000 items of equipment in support of these missions. This situation has presented the National Guard with challenges in keeping our inventories here at home fully supplied with critical items such as trucks, radios, and heavy engineering equipment. With the help of Congress and the President, we have made an excellent start in filling these equipment gaps, and the President's budget will allow the National Guard to continue on the road to recovery. Over the fiscal years 2006–2011 timeframe, the administration plans to invest \$19.2 billion and \$4.4 billion in the Army and Air National Guard, respectively, demonstrating an unwavering commitment to providing the resources necessary to protect our Homeland.

We are also addressing this through force structure rebalancing and the use of the Emergency Management Assistance Compact (EMAC) as an essential force multiplier. This agreement among the States enhances a Governor's response capabilities by providing access to regional forces and equipment. Without question, EMAC enabled the National Guard to overcome many of the equipment/resource obstacles faced during Hurricanes Katrina and Rita. The National Guard Bureau Joint Operations Center (NGB JOC) served as the coordination point for the various EMAC requests before sending the requests out to the states and territories. We provided needed advice and assistance to Governors in identifying, selecting, requesting and deploying Guard forces needed in the affected states.

Maintaining essential capabilities across the National Guard, amid ongoing overseas operations, Active component/Reserve component rebalance, modularity conversions, and National Strategy adjustments is an evolving task. Nevertheless, the National Guard Bureau attempts to synchronize all of these activities to ensure at least 50 percent of a given State's National Guard is always available for State missions, and HLD operations.

#### INTEROPERABILITY

The recently released White House report, The Federal Response to Hurricane Katrina Lessons Learned spoke to the need for interoperability. It said, "lack of interoperable communications was apparent at the tactical level, resulting from the fact that emergency responders, National Guard, and Active-Duty military use different equipment." As for the National Guard Forces, the first 48 hours after the hurricane made landfall saw the Guard literally using boats and helicopters to communicate. Our specialized command, control, communications, and computers packages, though limited in number, were able to bridge the frequency gap between military and civilian personnel in many locations. An in-depth look at interoperability is ongoing and there is a "sense of urgency" inside the Army and the DOD about meeting the National Guard's equipment needs.

#### COMMAND AND CONTROL

The infusion of the Active-Duty Forces into the Hurricane Katrina response effort presented some challenges at the operational level. There were some gaps in communication, coordination and integration into ongoing National Guard and emergency response operations already underway by the affected States. The situation was occasionally exacerbated by incompatible communication systems, lack of familiarity with the local area, and lack of involvement in the pre-hurricane planning.

The efficacy of the creation of the Joint Forces Headquarters-State was proven in the National Guard portion of the response as both of the affected states were able to integrate forces from 53 other States and Territories and the District of Columbia. Further, the Joint Forces Headquarters-State could have provided reception, staging, and onward integration for the Federal forces deployed by NORTHCOM to support the civil authorities in the affected States.

In addition to the benefits of JFHQ-State I've already discussed, a Joint Task Force-State (JTF-State) can, with State-Federal concurrence, assume tactical control of all military units ordered to respond to a contingency operation or disaster. This includes all State National Guard, other National Guard Forces, Active compo-

ment as well as Reserves. The JTF-State commander can be a dual-hatted commander of both title 32 and title 10 forces giving unity of command within the military forces. The JTF-State can act as a subordinate C<sup>2</sup> headquarters for NORTHCOM if required. The effectiveness of dual-hatted command was proven in 2004 at the G8 Summit, Operation Winter Freeze as well as the Democratic and Republican National Conventions. These were landmark achievements. For the first time in our Nation's history, the military attained unity of command for all forces operating in support of a major event. In each case, from one Joint Force Headquarters, a single National Guard officer commanded Guard units from multiple states operating under title 32 authority, as well as Active component Army, Navy, Air Force, and Marine Corps title 10 forces in a joint, intergovernmental, inter-agency environment.

#### TRAINING

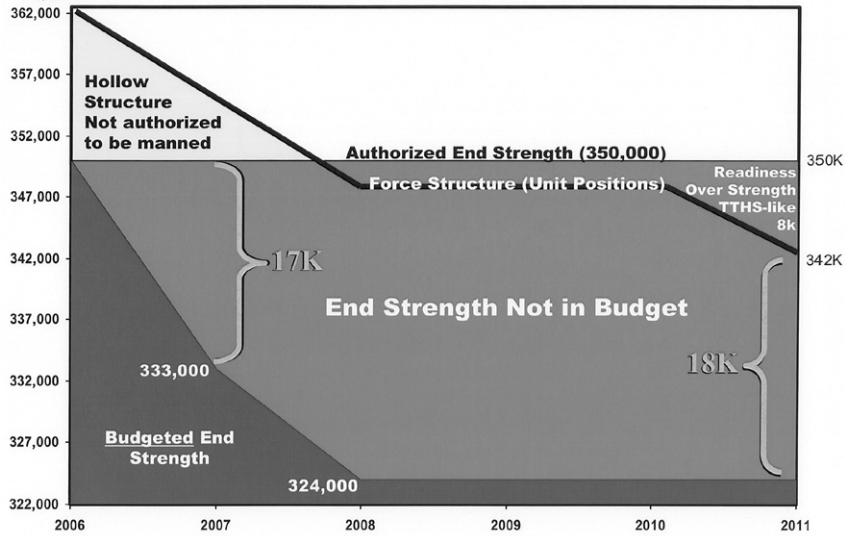
I'd like to transition into training and the National Guard's determination to take advantage of opportunities to share training and planning expertise with civilian partners and the importance that these efforts be institutionalized. The above-mentioned White House report recommended that each Federal agency a homeland security professional development program. We are pleased to say that we are already heading in that direction. The National Guard's Joint Interagency Training Center in West Virginia, serves as a model that demonstrates how joint training capacity can be expanded and how the military and civilian communities can train and work together. We are working with the Joint Forces Command to institutionalize this Center within the Departments process for joint education and training. This will allow us to increase the overall effectiveness of the national effort through standardized operational concepts, shared experiences, and enhanced interoperability.

These four areas of concern—resourcing for personnel and equipment, interoperability, command and control of all military forces, and training—must be addressed as they are crucial to ensuring an effective response for HLD and civil support. Identifying and correcting these concerns will only improve the National Guard's already high state of readiness in supporting HLD as training received to support our other mission, overseas warfight, provides the vast majority of preparation required for HLD.

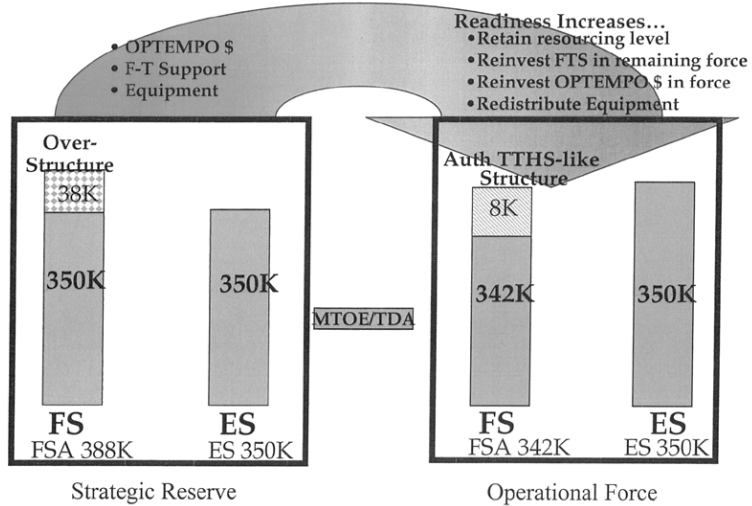
The successful integration of civilian and military cultures and capabilities has long been one of the strengths of the National Guard. Our members live in both worlds. Our forces operate in both worlds. We are proud to be able to bring these communities, cultures and capabilities together and render to our fellow citizens essential help when it is needed most.



### National Guard Personnel End Strength Authorization vs. Funding Authorization

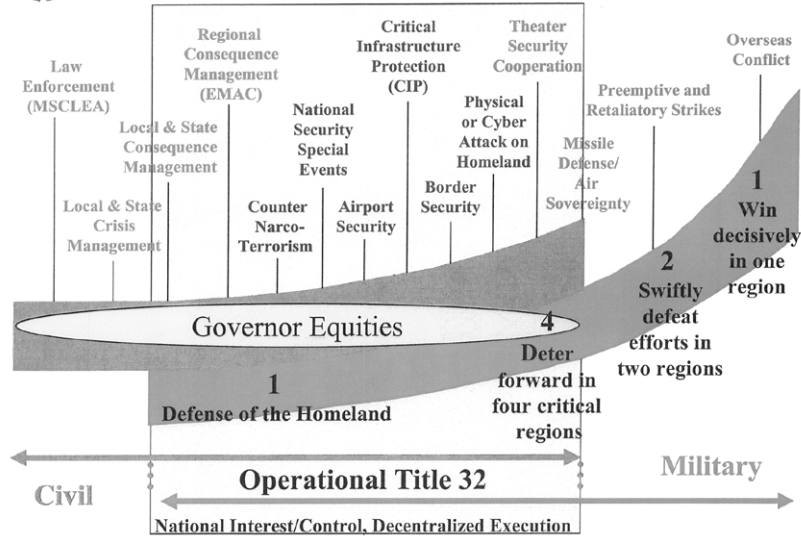


### Army ARNG FSA & End Strength Agreement Feb 06

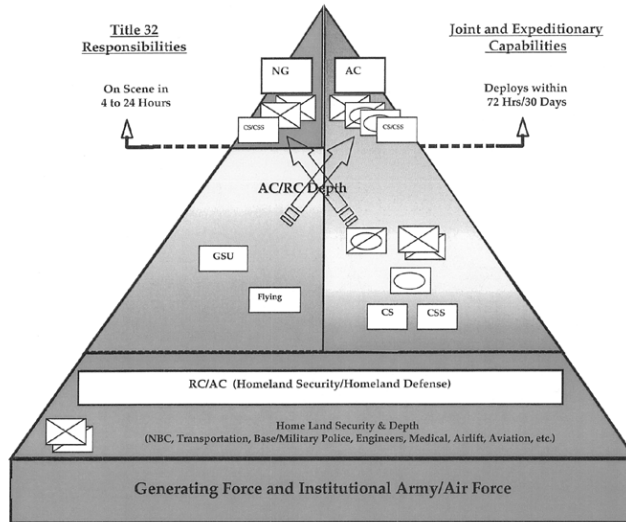




# Homeland Defense in Depth



# Full Spectrum Force





We'll proceed with a round of questions now. We're glad to have Senator Thune join us, and I understand Senator Levin may well join us. Of course, we're being televised. We don't know who else is watching, but there's a lot of interest in what you have to say, and let me start off with some questions.

First of all, I appreciate each of your efforts to help us understand, a little bit better, about how all of our national assets, whether they be designated civilian and under the purview of the DHS, or military and under the purview of the DOD, can be used to protect the American people.

Just a little bit of a background for you. I think I've mentioned this to Secretary McHale. I also happen to serve as the subcommittee chairman on the Immigration and Border Security Subcommittee in the Judiciary Committee. Of course, there's a lot of concern in America today about our border security and just how we ought to deal with that. A lot of people have a lot of different ideas. You've heard, like I have, people have said, "Well, there ought to be a role for our military in border security." I appreciate the legal and the policy reasons why our civilian agencies take the primary law enforcement role, Posse Comitatus, for example, and obviously the other obligations our men and women in uniform have elsewhere around the world.

I guess it's really a tremendous compliment to our military and to our civilian leadership that people hold you up as the gold standard when it comes to professionalism and competence. When they see that gold standard compared to other agencies of the Federal Government, they usually find those other agencies tend to pale somewhat in comparison. So, I guess it's a backhanded compliment, but we need to also understand better how those roles interact.

If I can just mention an example: certainly, as Secretary McHale mentioned, in the DOD authorization of 2004 it indicated and directed a role of the joint task forces in counterdrug missions, but it also included counterterrorism missions. Obviously one concern we have about our border is its—how it can be exploited to—by terrorists who want to exploit the porosity of our borders.

Another example I will mention to you, recently I was down at the Corpus Christi Naval Air Station and looked at the operation of the Customs and Border Patrol Air and Marine Division down there, that operates the P-3s, the aircraft with the Airborne Warning and Control System (AWACS) type setup on the top, that's designed to protect both our airspace and the sea lanes from drug traffickers. Unfortunately, all of the P-3s in Corpus Christi are now grounded, because they're 40-year-old aircraft and they have serious maintenance problems, leaving us, I think, in a very bad way.

So, as I'm trying to prepare the context for you, I want to make sure that we're in a position to reassure the American people that we are using all of the assets, both in personnel and technology, and of every category, to keep them safe and to make sure that those are working in a smooth, hopefully as seamless a way as possible.

Perhaps it would be good to start with you, Secretary McHale. Could you explain, in a summary fashion, how you believe that the DOD, including NORTHCOM, are operating today, in terms of its



cooperation and communication with the DHS when it comes to border security?

Mr. MCHALE. Yes, sir, I can.

The domestic responsibilities of the DOD essentially fall into two categories. As I indicated in my opening statement, we have the warfighting responsibility to use military power to defend the United States against a foreign threat, whether that threat would be a nation-state or a transnational terrorist group. Our primary emphasis has been on the need to identify, interdict, and defeat any such attack upon the United States that would involve a WMD.

If you look at the NORTHCOM mission statement, the first half the mission statement addresses that warfighting responsibility. Where we're not in support, we have the lead for the warfighting defense of the United States.

If you look at the second half of the NORTHCOM mission statement, it deals with civil support missions, including missions of the type that you describe. Now, the most recent and prominent, obviously, is the military response to Hurricane Katrina. We were not in the lead. DHS was in the lead. FEMA was the operating entity of DHS. The activities that we executed with 72,000 men and women forward deployed were all in support of FEMA, while FEMA and DHS retained the lead.

As I indicated, we average probably 90 to 100 civil support missions each year. Last year, because of Katrina, we went well beyond that. Among the civil support missions are the border support missions to assist civilian law enforcement in maintaining our border security. Again, we don't take the lead. Border security is a law enforcement mission. But, under a variety of authorities, including the statutory authority, Senator, that you referenced, we can, and we do, assist the Customs and Border Patrol (CBP) in their paramount law enforcement role to secure the border.

So, for instance, we do provide technical assistance, we provide robust surveillance capabilities in counternarcotics missions, and, in what is a new statutory mission, we are permitted to provide counterterrorism, as well as counternarcotics, support to CBP and other civilian law enforcement agencies—not to take their place, but to better enable those civilian law enforcement authorities to secure the border, both in the context of counternarcotics and, more recently, in the context of counterterrorism.

Senator CORNYN. Thank you very much.

General Inge, NORTHCOM, of course, is the command that has responsibility for homeland defense. Could you tell us how many dedicated forces that NORTHCOM has to its support mission for the DHS?

General INGE. Thank you, Senator.

First of all, with regard to the DHS, we work very closely with them, and we've had very close ties, very good engagement. On a day-to-day basis, if there is not a mission assigned, we have JTF North, which is planning headquarters, that would coordinate efforts with the CBP, for example. When a mission is requested, forces are then allocated to JTF North to accomplish that mission. So, it depends on the day, and it depends on the mission, and it

depends on the support request, is the short answer to your question.

Senator CORNYN. Thank you. So, do I understand—

General INGE. There are no standing forces that are dedicated specifically to doing border support unless there is a mission request.

Senator CORNYN. All right.

As far as leveraging and sharing of technology, Secretary McHale, the National Response Plan and the Department of Defense Strategy for Homeland Defense and Civil Support states that the DOD, as you mentioned, will facilitate and nurture collaborate research, and ensure, as applicable, for the smooth transition of appropriate technologies and capabilities to the civilian sector. What DOD technologies and capabilities are currently being leveraged by, or shared with, the DHS? If you could provide us, if possible, the specific examples where the sharing of technology or the transfer of technology or resident DOD capability assist the DHS in their homeland security and border defense mission, I would appreciate it.

Mr. MCHALE. Senator, if I may answer it a little bit more broadly than perhaps the way you phrased it in the question, I'll give you an example of some of the technologies which are applicable to border security, but not exclusively to border security.

We have a statutory duty, under the National Defense Authorization Act of 2003, section 1401, to transfer dual-use technologies from DOD to our civilian interagency partners, most especially DHS. As some specific examples, there are areas where we have developed technology to support us in overseas warfighting, where that technology may have a domestic application, depending upon the nature of the threat. As an example, we've had the responsibility now for many decades to be prepared to execute our military mission overseas in a WMD-contaminated environment. So we have protective equipment, we have WMD CBRNE sensor capabilities that have allowed us to prepare for war in an overseas fight where the environment has been contaminated by WMD. Unfortunately, but the reality is, much of that technology could potentially have a domestic use if we were to be attacked by terrorists utilizing WMD. So, we share that information and technology with the DHS, so not only the DOD, but first-responders and others, will have access to personal protective equipment, sensor capabilities, and other WMD-related technology to better enable the civilian mission.

A specific example of technology sharing was cited by General Blum a couple of minutes ago, and that is, one of the major challenges we have is that when first-responders, emergency management personnel, including Federal Emergency Management personnel, the National Guard, and Active-Duty military forces, show up in the same area of responsibility, we all bring different communications equipment. A police officer from a city does not carry the same radio as an officer in the United States military, even differentiating between the National Guard and Active-Duty. We have to knit those capabilities together.

General Blum made reference to the Customer Service Team (CST) vans provided to the National Guard by the DOD, where there's a patch capability. You can take a police officer's radio, put

it through a central switchboard that we have designed, and it will be seamlessly connected to a title 10 radio that is very different in infrastructure, on a completely different frequency, a wholly different design, yet these two pieces of equipment, when patched through that central switchboard contained within that CST van, will allow for interoperability of communications.

In addition, in certain other areas, ground surveillance capabilities, sensors that have been deployed along the border, aerial observation platforms, Predators that we have made available to DHS for border security, tunnel detection capabilities, there are numerous areas that are leveraged by technology where we have developed that technology for one purpose, but make it available to DHS for domestic employment.

Senator CORNYN. Thank you very much.

I'm going to turn it over to Senator Reed. But let me just note, and ask for confirmation by General Inge, with regard to interoperable communications—I note, General Inge, that NORTHCOM has provided a list of unfunded requirements that have not been addressed in the budget submitted by the DOD. The top two items include the need for, number one, interoperable communications, for \$10 million, and, number two, \$5.6 million for Maritime Domain Awareness Initiative. It's a straightforward question, but obviously you don't have what you need now in order to undertake those interoperable communications, I take it.

General INGE. Hurricane Katrina taught us that establishing, immediately after a disaster, interoperable communications that would be commercial-backbone-like, is critical to the success in an immediate response to the Nation, and that capability is not in place today.

Senator CORNYN. I hope this subcommittee, and this committee, can help you get what you need in order to get that done. It seems like a no-brainer.

General INGE. Thank you, sir.

Senator CORNYN. Senator Reed.

Senator REED. Thank you, Mr. Chairman.

First, let me join the chairman in recognizing General Rodriguez, the technical assessment group (TAG) of the Texas National Guard. General Blum and all the TAGs have done an extraordinary job, in terms of not only responding to domestic crises, but deploying overseas in support of our operations. I'm very proud of my Rhode Island National Guard. So, I thank you, General Rodriguez, for your service.

Mr. Secretary and General Inge, during Hurricane Katrina there were essentially two military chains of command. There was a National Guard chain of command and there was a title 10 chain of command under General Honore. At any time, did the White House ask for your advice about unity of command, a different command structure, during the pendency of the crisis?

Mr. MCHALE. Senator, when you phrase the question, "the White House," that's pretty broad. I think I can answer your question directly by saying that I did provide recommendations to the Secretary of Defense, recommendations that he then considered to inform him in any recommendations that he might make to the

President of the United States. I did have discussions on that point with Secretary Rumsfeld.

Senator REED. Was your recommendation, Mr. Secretary, a unified command for all forces, or—

Let me step away from the history. Going forward, what we know now, how will we approach the command structure, when you essentially had two chains of command, which, I would assume, violates the fundamental principle of unity of command?

Mr. MCHALE. It does violate the fundamental principle of unity of command, it does reflect the Constitution of the United States. We have a conflict between what you and I would want to achieve in terms of unity of command for operational purposes and the system of government, thank God, that we live under, which is Federal in character, but assigns to the President of the United States Federal C<sup>2</sup> responsibilities, and preserves, for the Governor, within the Governor's sphere of responsibility, C<sup>2</sup> over what historically was called the State militia, today known as the National Guard. So, the division in the command structure is a direct reflection of our Federal system of government. Although there is the ability, by statute, to achieve unity of command over both Active-Duty and National Guard Forces, the invocation of the Insurrection Act and the federalization of the National Guard are two steps that, historically speaking, are seen as sobering decisions, and not readily undertaken, unless there is clear reason to do so.

So, with that as context, the Constitution sets up two chains of command, so either we achieve, through very detailed advanced planning, close coordination between the National Guard and title 10 forces, recognizing that we don't have unity of command, but that we can achieve unity of effort through that close coordination in advance, not during, a crisis, or, in the alternative, failing that kind of coordination, which did work between General Honore and General Landreneau, the title 10 commander and the National Guard TAG, if coordination fails, then we do have the statutory option, the President has the authority to federalize the Guard, move the Guard from title 32 status to title 10, and have true, not only unity of effort, but unity of command.

But I don't think—well, I'm sure—in the past 50 years, since the days of the civil rights movement, no Governor has been stripped, by statute, of that command authority over the National Guard involuntarily. Only once or twice has it been done, with the consent of the Governor; most recently, in 1992, with the Los Angeles riots.

But, bottom line, it is a sobering decision to take that command authority away from a Governor. In most cases, the purpose is to achieve—the purpose should be to achieve unity of effort, even in the absence of unity of command.

Senator REED. Your comments are well taken, Mr. Secretary, but I think what you've said is that we are working now much more explicitly and consciously on the problems of unifying the effort.

Mr. MCHALE. Yes.

Senator REED. But, it has to be an ongoing basis.

Mr. MCHALE. Yes.

Senator REED. It has to be part of our mindset, and also what we exercise, I presume, that, as we—

Mr. MCHALE. Absolutely correct—

Senator REED.—look at these—

Mr. MCHALE.—on all points. Yes, sir.

Senator REED. Also, I would assume, given the magnitude of Hurricane Katrina, and perhaps the magnitude of another natural or, unfortunately, manmade crisis, that one of the first issues will be assessing whether this unity effort is taking place, and, if not, going to that very difficult judgment about whether there has to be a decision by the Executive to unify the command. Is that fair?

Mr. MCHALE. Yes, sir, that's a completely accurate summary.

I think it's important that we keep it in the context that I described earlier, and that is, for those of us who come out of a military background, and who quickly recognize that having dual command authority is not what is most operationally efficient, that we understand why that is. It's the Constitution of the United States. It's the recognized authorities, both of the National Government and the State governments, creating a dual chain of command. We should not simply look at it from a military perspective and assume that unity of effort requires unity of command. That, I think, would violate some basic principles of federalism. We retain that option, when required, but we should not lightly execute it.

When possible, we should preserve the command authorities of a Governor, certainly command—respect the constitutional authorities of the President of the United States. While recognizing two distinct chains of command through close coordination, deliberate staff planning, detailed anticipation of the mission requirements, and rigorous exercises to test that, we should preserve the two chains of command, while insisting upon unity of effort through coordination.

Senator REED. Thank you, Mr. Secretary.

Let me turn to a question that was alluded to, I think, in your comments, Secretary McHale. It is situational awareness; it was very poor. It was poor for the National Guard. It was poor for NORTHCOM. That's the conclusion of the White House report. Poor for practically all the participants, days into the crisis. First, I don't think you will argue with that premise, but, if you do, let me know. But I'd like to ask all of you, what are you doing to improve the situational awareness in another incident like Hurricane Katrina? Perhaps, General Blum, you might start in terms of the National Guard.

General BLUM. It's a bottom-up build, which is probably a good way to do it. That's the way the National Response Plan is built, anyway. So, the first responsibility for establishing this situational awareness or this information feed so that someone would know what is going on and then be able to determine what needs to be done, based on what's being done and what's unable to be done in the local area, is very important. To take an event where you lose all of your existing normal lines of communication—your television, radio, cell phones, hardwired phones, fax machines, e-mail—all of those things, electricity is gone. So, you have to—you have to—we have to worst-case it. In the past, we did not. We did not, as much as we should have. None of us.

So, now we are planning for catastrophic events. How do you establish those critical communications in the early moments so that you can gain the situation awareness, so you know what is going

on, so that you can tell others what is going on, so they know what to anticipate to be ready to do next, because—so they know what they don't have to do, because they're aware of what is happening.

So we're setting up communications that are flyaway packages, pre-positioned packages, and we've come to Congress and submitted a requirement, and they have been very good, and they've given the Army National Guard \$700 million. I am working with the United States Army for an accelerated purchase. The hurricane season will be on us in 5 months. We should start seeing hurricanes as early as June. They don't always wait until the fall. So, we have to be ready. The United States Army is doing an accelerated purchase for mostly satellite communications that is not reliant on cell towers being in place or any existing communications being in place. We have those in much greater supply now than we did for Hurricane Katrina, already. By this hurricane season, we'll be much better prepared than we were last year. We will not be where we need to be this year. It will take us some time, and take us additional resources. I have to be honest. But we are honestly and earnestly working toward that end that you describe, and I think it's entirely appropriate to criticize that, because that was a flaw in all of our planning, in all of our response.

Senator REED. General Inge, quickly—and my time is receding quickly—but could you comment? Then, Secretary McHale, the last word.

General INGE. Sure. A couple of things. True situational awareness, needed to improve in this disaster. But, at the same time, we probably had better situational awareness than we had the right to expect, given our experience from times past. So, it's a good and a bad story.

There is a lot of talk about situational awareness, title 10 versus State forces. I think we've worked on that. General Blum and I have personally met and worked on that. That's a matter of communication and coordination—they're the words he used—and we have personal communication, and we agree with that.

We've met with the TAGs of the hurricane States already at NORTHCOM to make sure that our lines of communication are open, our staffs' lines are open. I think that we'll be much better.

We have work to do. This is the first time we've ever put up an air picture of the magnitude that we did for this hurricane, I suspect in the history of the Nation. We have a lot of work to do to get what, in a combat zone, would be called intelligence, surveillance, and reconnaissance (ISR), which we should rightly call here damage assessment, so that it all flows in the downlinks in the right place. We're working that very hard.

Control of 360 airplanes of different nature over a disaster area, we're working that hard, to build that picture, and are working with the adjutants general of the various States so that, in a disaster, we can assist them with that, while they are still in charge of the disaster.

Working the Navy piece, we had not worked as hard. Having the Navy follow the storm, as is appropriate, to do beach assessment immediately is a great deal.

But a piece we don't talk about very much is the logistics piece and how you support FEMA in tracking logistics and it's one of the

technology pieces Senator Cornyn talked about. We found that we routinely use our radio frequency tags in our military business. Tracking our containers and just getting the logistics package into the area of damage is no small task.

Day after day, you would hear staff officers stand up and say, "Sir, we shipped a million Meals Ready to Eat (MRE) today." That's good information, I suppose. But the real question is, "How many did you need to ship, and where did they go?" So we're working all those kinds of issues very aggressively as we move into this next season.

Senator REED. Thank you, sir.

Secretary, if you have a comment?

Mr. MCHALE. Senator, the need to conduct wide-area surveillance for damage assessment after a natural disaster should have been a mission requirement that we recognized, but it was not. So before the end of September, in our internal preliminary lessons learned, we identified, and did not hide at all, our recognition that the ability to have aerial assets in place to conduct wide-area surveillance after either a terrorist attack or a natural disaster is a preeminent requirement. We did not anticipate, though—if we had read the after-action reviews from Hurricane Andrew, in 1992, we might have anticipated the reality that media reports inevitably, after a disaster, tend to be inaccurate. So, unlike Hurricanes Andrew and Katrina, for Hurricane Rita, that came along 4 or 5 weeks after Hurricane Katrina, we had a complete aerial observation package in support of NORTHCOM. It included P-3s, Predators, C-130s, high-altitude and space-based imagery, so that if Hurricane Rita had produced catastrophic damage, we would not have been reliant on media reports to scope and assess that damage.

So, the first thing you need is—we don't call it, domestically, an ISR package, as the General properly noted. We're talking about wide-area surveillance for damage assessment, and then the ability, through interoperable communications, to disseminate what we collect to all of the first-responders, emergency management personnel, military authorities, who need to be aware of the damage so they can begin responding to it. We didn't get it right for Hurricane Andrew in 1992, we didn't get it right for Hurricane Katrina, we did get it right for Hurricane Rita, and it's a lesson that we have now learned very clearly.

Senator REED. Thank you very much. Just a point with this capability, you could have, for example, identified not just the damage, but the fact that thousands of people were collecting at the Superdome, because your photo analysts, either space-based or jets up in the air, could have done the same type of photo analysis they do in a tactical situation, and said, "You have lots of people accumulating." Is that—all I need is a yes or no—what you're talking about when exploiting this information?

Mr. MCHALE. What we're talking about, primarily, is physical damage.

Senator REED. Okay.

Mr. MCHALE. When you start talking about observing the population with these assets, you get into an area of public policy that is—I think, as you recognize—

Senator REED. Let's defer that to next round, because I will stop and—

Mr. MCHALE. Yes, sir.

Senator REED. I will recognize Senator Thune.

Excuse me. Thank you.

Senator CORNYN. Thank you, Senator Reed.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman, and thank you, members of the panel, for your service. I appreciate the—just listening to the line of questioning and the responses, clearly there are lots of things that need to be improved upon, from some of the responses in the past, and I appreciate the steps that you've enumerated to make sure that we get it right in the future.

I want to start with a question for General Blum, which has to do with a piece of equipment that you all, the National Guard, is receiving, the first 32 C-27s off the line. My understanding is, those receiving units may have already been selected. I have a two-pronged question. One is, when do you estimate the NGB will make selections on units for the next group to follow off the assembly line? What criteria will you use in making that selection?

General BLUM. Senator, let me back up if I can. To my knowledge, the aircraft has not been selected. If you're talking about the future cargo aircraft, or the light cargo aircraft, that the Air Force and the Army are going to buy, and we're going to put in the National Guard as a joint intratheater airlift capability, it is my intent to put those airplanes, when the DOD decides which one they're going to buy—when they give that to the National Guard, I will then put that capability out into as many States as I can, but they will be distributed regionally as part of a package that supports the Chem-Bio Response Force Packages, the Civil Support Teams, the Quick Response Forces. They will be positioned based on known weather patterns and also areas that we know are critical and key in being able to move capabilities and logistics to other affected areas.

That's a long answer. We've put out the first four or five that are really so obvious where they need to go. The others are under very careful consideration, in collaboration with your adjutants general, your Governors, and the emergency managers in the region, so that we do something that, when they're not in the service of the Nation overseas as part of the Air Expeditionary Force, they are superbly postured and ready to support any Federal, or State and Federal combined response, for a regional response, or even a national response.

So, I hope that gets to your question. If you want to be more specific, I'll try to address it.

Senator THUNE. I guess my question is, though, that the first 32 of those units off the line—my understanding was that the receiving units had already been selected. What you're saying is that—

General BLUM. The very first ones are, yes, sir.

Senator THUNE. Okay. But—all right. So, then I guess what I'm asking is, the next installation of that, the criteria that you're going to use, which you've enumerated, is going to be regional, and it's going to be based on some of the mission requirements.



General BLUM. Yes, sir. It will also be placed in a place that has—do you understand the term “bed down”?

Senator THUNE. Right.

General BLUM. It has the infrastructure there, so that the airplane doesn't pass a bill to the Army or the Air Force for military construction and the construction of a new airfield. There are many, many airfields that are already in existence that have superb infrastructure to support a C-130-like airplane.

Senator THUNE. Right.

General BLUM. So, it would make sense that if that place is near one of these regions we're talking about, they'd be a strong candidate for where I would nominate them to receive those aircraft.

Senator THUNE. That was going to be a follow-up question, is one of the things that you will look at among these competing units, then, is the infrastructure capacity.

General BLUM. Oh, absolutely. If they have the airspace, they have the airfield, they have the hangars and the maintenance, and it's already there, it would be foolish not to take advantage of it, I think.

Senator THUNE. One of the things I'd—with respect to the National Guard—and 80 percent of the South Dakota National Guard has mobilized in support of operations in the Middle East—Operation Noble Eagle, Operation Enduring Freedom—and I, like all South Dakotans, are extremely proud of the contributions that they have made to the war on terror, as well as to homeland defense—one of the questions I have is—I'm concerned, I think, like a lot of people are, that our National Guard and Reserve will not be able to meet the demands of both their title 32 and title 10 missions, due to some of the operational stress on personnel and equipment. We're running a lot of our equipment into the ground—the personnel, the deployments—that have put tremendous stresses and strains on the National Guard. How, in your view, can DOD maximize the use of the National Guard and Reserve, without overusing them? That's a general question, I understand.

General BLUM. I think you do that by predictability. We've worked that out with the Army and the Air Force. The members of your National Guard know pretty well that, if they're in the Air National Guard, that they're going to deploy for a relatively short period of time, 2 to 3 months, about every 18 months. They accept that. The employers seem to accept that, and the families accept it. Our retention rate shows that it is well accepted by the three partners in the citizen soldier—the employer, the family, and the servicemember. Our retention rate is over 100 percent of our goal in the Air National Guard. It's over 100 percent in the Army National Guard, but they rotate on a different model, and that's about one deployment every 6 years. We have—we think—I firmly believe we can achieve that. We're not there yet, but I think we can.

We hit an all-time highwater mark this time last year, with 12 brigades over in combat. This time—the same time this year, we'll probably have four, four and a half. Then, when you add Afghanistan, perhaps five. So, it's been a significant reduction in the contribution that the Army National Guard—or the demands on the Army National Guard overseas, as what they have been over the last year—that was a conscious decision to give the Army time to

reset into modularity, so that they could assume a heavier burden this year, and they are. So, we're very conscious of what you're describing. I think we can do it.

The personnel piece, I'm very confident we can recruit, retain, and keep our force. The equipment piece is where I need help from this body.

Senator THUNE. Right.

General BLUM. We sent the very best of our equipment overseas, as we should. We've been over there now for several years. We've crossleveled our equipment. We were short of equipment when the war started. You have to remember that. The National Guard was under-resourced deliberately. It was a strategic reserve. It has, for the last 6 years at least, been an operational force overseas. It needs to be resourced as an operational force back here at home. In the old—and we didn't view the National Guard that way in the past, because they had all the equipment that they needed as a strategic reserve overseas, gave them adequate equipment to be ready here at home. Now that we're an operational force overseas and that equipment is moved to the war zone, which it should, we need to address the shortages here.

Now, while this body will help provide the money for that, and the authority to buy that new equipment, or acquire that new equipment, we are leveraging the Emergency Assistance Compacts (EMAC) amongst the States to move equipment to the affected areas of this Nation while we're short on equipment, so that we mitigate the—otherwise, if we didn't do that, the problem would be that some States would be under-equipped to do what they need to do. But through EMAC, we have, as Hurricanes Katrina, Rita, and Wilma have shown—and, by the way, when all of that was going on, and 80,000 troops were overseas, we were still fighting blizzards in your northern neighbor, in North Dakota. We had a blizzard going on while the hurricane was coming on. We were clearing roads in North Dakota. We were fighting floods in Vermont and New Hampshire at the same time. So, Mother Nature doesn't throw this stuff at us one at a time. But we can handle multiple near-simultaneous events, if we need to. But we could handle them a lot better if we were better equipped.

Senator THUNE. That sounds exactly like what our TAG said this week when he was in town. So, we understand that. Certainly we want to do everything we can to address the needs that you have, in terms of equipment and—understanding that—the important role that the National Guard and those assets have played in the war on terror, realizing that you—we ask you to do a lot of things, and we have to make sure that you have the resources you need to get it done.

Secretary McHale, a question having to do—some of what's been touched on by Senator Cornyn, Senator Reed already—on the homeland defense front, the illegal immigration issue, of course, is a very hot issue on the border States. Admiral Loy, who's Deputy Secretary at DHS, testified in front of the Senate Select Committee on Intelligence that 44,000 other-than-Mexicans came across the border last year. I guess what I'm interested in knowing is, is the DOD working with DHS to identify where those other-than-Mexicans are coming from? What is the DOD doing, in terms of working

with the DHS, to implement the use of UAVs on the southern border? That's what I hear is the technology that, as we look at immigration reform, we may want to incorporate the UAVs that are policing the border.

Mr. MCHALE. Yes, sir. We, in fact, are very active in supporting CBP, a DHS subordinate element, in its responsibilities along the southwest border. As I noted in my opening statement, we've been engaged in counternarcotics activity in support of civilian law enforcement since 1989. A recent change in the law, that Chairman Cornyn cited earlier, expanded the DOD role to include counterterrorism activity in support of civilian law enforcement, as well as counternarcotics activity. We've been doing a lot for a long time to support civilian law enforcement in the execution of their mission.

We have routinely provided aerial platforms, usually helicopters, to provide surveillance of cross-border movement, illegal movement, in order to inform ground-based CBP agents of that movement so that appropriate detentions and arrests could be made. I've flown one of those flights along the Texas border with a U.S. Marine Corps Reserve helicopter unit where that unit provided aerial surveillance in support of CBP on the ground.

About 2 years ago, I think, I received a request for the first use of a Predator, a DOD Predator, one that had not yet been delivered to DOD, but was scheduled for delivery, to be used in support of CBP, much like the helicopters, but using a UAV, for surveillance along the southwest border. I think, for about a 3-week period of time, based on our support for that request for assistance, that Predator became the first of many flights that have now been executed, and continue to be executed, in support of CBP. My understanding is that DHS, correctly, is in the process of standing up its own UAV capability. But, in the interim, on a frequent, even daily, basis, we, for instance, for training purposes, conduct UAV flights in the southwest, training our own personnel to control those flights, but we do share the information that we acquire through that training with the CBP.

Lastly, I would not want to give the impression that it's just aerial surveillance or UAV support that we provide. JTF North, a subordinate NORTHCOM command, provides numerous other forms of assistance on a regular basis—ground sensors, engineering support, and other capabilities, to include the sharing of intelligence and information to better identify the nature of the threat.

The bottom line, there is absolutely no doubt that the situation along the southwest border is extremely troubling, probably getting worse, not better, in terms of criminality and violence. There is no doubt that the requirement to address that situation is primarily a civilian law enforcement function, but there is also no doubt that, consistent with the law, we are prepared to support—not replace, but support—civilian law enforcement in the execution of that mission.

Senator THUNE. Have you been able to identify where the folks who are coming across the border, other than those who are coming in that are Mexicans coming across the border where those folks are coming from?

Mr. MCHALE. Yes. It's part of our strategy for homeland defense that we have a defense in depth. In most domains, in the air and

on the sea, that means the forward deployment of forces to interdict and defeat a threat before it enters the United States. We don't forward deploy ground forces into Canada or into Mexico. So, to achieve that defense in depth requires the ability to obtain information in depth as to threats that may be approaching the United States border.

In an unclassified setting, I can tell you that we receive briefings—and I personally receive briefings—almost daily as to the nature of that threat and any question of terrorist activity that might be associated with it. We do try, to the very best of our collection capability, to identify terrorist threats approaching the United States border at a distance from the United States border to separate illegal immigration from what are perhaps related issues of terrorist infiltration.

Senator THUNE. I see my time is expired. Thank you, Mr. Chairman. Thank you all very much.

Mr. MCHALE. Thank you.

Senator CORNYN. Thank you, Senator Thune, for those important questions and the testimony we've heard.

We've all been told, during the course of hearings, that the nature of illegal immigration across our border has changed, and there's been some exchange about the spike in people coming from countries other than Mexico, including countries of special interest. It causes all of us a great concern. Admiral Loy testified, as Senator Thune indicated. But, pretty clearly, there seems to be a consensus that where historically it may have been—organized crime may have been involved in drug trafficking, that now they're engaged not only in drug trafficking, but literally human smuggling, arms. It doesn't take any stretch of the imagination to imagine that they would transact in terrorist smuggling or in smuggling of WMD. So, I think the emphasis on how we can cooperate and how we can use all the assets of the Federal Government to protect us against that threat are very, very important.

In that connection, I want to ask—starting with General Inge—given the need for effective and synchronized interagency coordination to respond to manmade or natural disasters, what thought have you given to transitioning Joint Task Force North into a Joint Interagency Task Force?

General INGE. Sir, that's been the subject of discussion for, that I'm aware of, at least part of 3 years now. It's a discussion more properly addressed, I believe, here in this town than by the people of NORTHCOM. But we have been involved in those discussions. It rests, as I understand it now, with transitioning first to JTF North, with closer coordination with the interagency—and we work very closely with the interagency, and are very well tied in with them. If we continue on this path, the next step would be to decide, when do you transition? Then, who would be in charge? As you appreciate, JTF South works air and sea domains, and therefore, is operational control (OPCON) to Southern Command (SOUTHCOM), a military organization. When you work the land domain internal to the United States, you have different laws that would apply to the organization.

So, short answer to your question, the discussions continue in the interagency, and we are involved, and we are a participant in the

discussion. But I would assure you that today, JTF North is very closely aligned, and very much involved in, interagency coordination and incorporation as we work the southwest border.

Senator CORNYN. I appreciate the fact that there's only so much that you can do, or that NORTHCOM can do, or the DOD can do, if it involves interagency cooperation and participation. I, for one, intend to do everything within my power to encourage all of the agencies that would make up an Interagency Task Force to fully cooperate in the effort, because I think there's a lot to be gained by that.

General INGE. I could tell you, certainly, Senator, cooperation is better today—far better today than it was 18 months ago. That's the time I personally have been watching. It's amazing how it's changed.

Senator CORNYN. General Inge, how is NORTHCOM coordinating with SOUTHCOM? You mentioned JTF South, but how are you coordinating across the board to ensure that there's no gaps between commands?

General INGE. Sir, we are tied in with SOUTHCOM in multiple ways. Most of their drug interdiction, we monitor—and, frankly, from a little afar, because they do it in the southern part of the region, and the focus of their emphasis is south of our area of responsibility (AOR). But we have proper liaison channels. We stay in communication with their Joint Interagency Task Force (JIATF). As is appropriate, they will work missions for us. We're in constant contact to make sure that a seam doesn't develop between us. Likewise, as you look at the islands to our south, we make sure that we have the right connection and the right handoff between them, in case of mass migrant problems.

Senator CORNYN. General Blum, training and exercising are essential to preparedness.

General BLUM. Yes, sir.

Senator CORNYN. We've talked a little bit about resources, things that would allow interoperable communications. One of the problems we saw during the Hurricane Katrina disaster was, the Louisiana National Guard lost communications connectivity. But what I want to focus on are other training and exercise concerns that we can perhaps help you address, and help the DOD address.

Currently, it's my understanding the DOD does not provide funding for homeland security and homeland defense integration training at the State and regional level. If that's true, what can best be done to help improve overall joint response nationally? Is programmed appropriated and routine DOD, DHS training and exercising—is that part of the solution?

General BLUM. Mr. Chairman, I think you've hit on something very key. As I said—and Senator Reed said, what can you do better? I think one of the things that we absolutely must do, if we're going to get better, is to train and exercise. No good team doesn't practice. Any good team practices very hard and very realistically. That's why they're a good team. The problem that I face isn't that there's no unwillingness to train or practice; the problem is, there's no resource stream to actually accomplish that. It's not by evil intent; it was just never really a priority requirement in the past, and I think it needs to be seriously addressed in the future.

If the DOD were provided funding for that, or if the National Guard were provided funding for that, we could do that very well at a local and State level, and a regional level, for that matter. But I would like to see those exercises and training tied in with the DOD so that it has the rigor and oversight that has produced the world-class teams in the Army, Navy, Air Force, Marine Corps, and Coast Guard that training and exercises in our military model has produced.

I think that's one place where the military honestly could be a force multiplier for the interagency and intergovernmental. We know how to do that. If we were adequately funded, or there was some mechanism to have some cost sharing perhaps between DHS and DOD to do this, I think the National Guard would be glad to be the lynchpin for the connecting of those resources and the broker for putting that together.

Having said that, I think there's a role to be played there also by Joint Forces Command (JFCOM), NORTHCOM, STRATCOM, and PACOM, who all have equities in this, as well, because some of their—particularly NORTHCOM—mission set is largely focused on the United States.

So anything they do, or we do, we're going to have to do together anyhow, so, we may as well learn how to do that well, early.

Senator CORNYN. Thank you very much.

If Congress saw fit to fund that sort of joint exercising and training, Secretary McHale, you don't see any objections or concerns, do you, from any other standpoint?

Mr. McHALE. Within the constraints of the President's budget, no. Our exercises have not been tough enough. Fifty to 60 times each year, there are presidentially-declared major disasters. They are the type with which you and I are very familiar. It's a hurricane of a recurring type, a tornado through a region of the country, an earthquake that may be damaging, or even significantly damaging, but not catastrophic in its consequences. Fifty to 60 times a year, there are major disasters. For most of those major disasters, civilian response capabilities at all levels of government can normally address the remediation requirement, and the role of the DOD is fairly modest.

Hurricane Katrina, which in my judgment, was at the low end of catastrophic events, taught us that we are not adequately prepared for those kinds of terrorist attacks or natural disasters that exceed in scope recurring major disasters and become catastrophic in their consequences. Most of our exercises in the past have dealt with major disasters, but not truly catastrophic events of the type that are envisioned, for instance, in the 15 planning scenarios that have been developed by DHS.

So, Senator, I guess I would summarize by saying, we need to plan not only for recurring major disasters, but for the much more challenging environment of catastrophic events. Our exercises should reflect catastrophic requirements and a more deeply engaged DOD, where we have the organic capabilities to provide a response that may not be found anywhere else in the United States Government. Funding that kind of exercise program is a good thing; again, within the constraints of the President's budget.

Senator CORNYN. Thank you.

General Rodriguez, since you're here, I want to take advantage of your presence, just ask you one question, if I may. You might want to come up to the microphone, maybe over here on General Inge's left.

The Texas National Guard played a very important role in responding to both Hurricanes Katrina and Rita. I'd like to give you an opportunity to share with the subcommittee any lessons learned from the Texas National Guard's perspective, that you'd like to highlight for the committee, that might help us in our deliberations.

**STATEMENT OF MAJOR GENERAL CHARLES R. RODRIGUEZ,  
ADJUTANT GENERAL, TEXAS MILITARY FORCES**

General RODRIGUEZ. Yes. Thank you, Senator Cornyn, Senator Reed.

Lessons learned from Katrina are primarily around two areas. One is how we worked, in a title 32 status, alongside—along parallel with the title 32 Active-Duty Forces, and that it is possible—it's not ideal, but it is possible. As the Secretary and the others here have said, unity of effort is the primary concern, to include planning. There is no sense in planning in a vacuum, either. We must plan both at the Federal and at the State and at the local level. Everyone is tied together when a disaster strikes.

The Texas National Guard adopted and tailored the adaptive battle staff model that is favored by NORTHCOM for our own Joint Force Headquarters. The Texas National Guard always remained in a posture of assistance to civilian authorities. But we focused exclusively on our customers—that is, the disaster-impacted residents of the State who were represented in the disaster zone by local elected officials, such as the county judges and the city mayors and appointed State authorities, like the disaster district chairman. In other words, the control was very local. The Governor serves as a moderator or a thermostat to make sure everything is in tune.

We pushed military and civilian hybrid capabilities forward early. We pushed it strong, and we pushed it consistently. Our focus was to deliver commodities, care, and calming presence early, and to stay deployed forward as long as the Governor deemed appropriate.

The most significant lesson we learned is that the National Guard should continue to refine its mission. But clearly it is the military choice of force for domestic disaster response, because our armories are there, we live there, we're where the disasters happen. What General Blum says is very true, that when you call up the National Guard, you call up America.

Sir, you had mentioned something about the White House report, the Townsend Report. There's a particular recommendation there that really highlights the value of a lesson learned. It's number 28. It's the one that mentions the Joint Forces Headquarters State as a key facilitator and infrastructure platform of Joint Incident Command, one that ought to receive high priority implementation. That Joint Force Headquarters is the place where military and civilian coordination can be realized, where military coordination can happen to support lead Federal and State civilian agencies, and cross-communication can happen with greatest efficiency and effective-

ness. The Joint Force Headquarters worked for us during our Hurricane Rita response. The Joint Force Headquarters State ought to be fully supported at the national level as a State or even a regional platform for fuller integration with Federal/regional joint field offices. That is to say, DHS.

I encourage recommendation number 28 be fast-tracked for explicit establishment and missioning and legislation.

Senator CORNYN. Thank you very much for that testimony. Thank you.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

Let me begin by associating myself with General Blum's remarks about exercising. It's been said often, but I don't think as well as or as emphatically as you did. We're spending a lot of money on technology. We're doing lots of analysis. We're doing lots of training. But until you blow the whistle and say, "Okay, here's the problem. Go out there and actually, on the ground, do something," we really don't know what we have. I agree with Secretary McHale's comments, too, that these exercises have to be more rigorous, but my inclination is that we could get a lot more bang for our buck if we put more money into exercising every level of command. We've done that a little bit in the Rhode Island National Guard, sort of on an ad hoc basis, but we should be doing it every quarter, or at least once a year, not just tabletop, but rolling—getting the wheels on—moving on the ground and things like that.

Mr. Chairman, maybe we could think about trying to identify those resources.

General BLUM. Senator, you're spot on. I applaud Rhode Island and other States that have taken money out of their hide, or used State money, or some combinations of money to put together to do the little bit of training and exercising they've been able to do. We have an exercise schedule not too far from here, near the Washington, DC, Armory here, coming up at the end of the month. That's a modest exercise, but it costs about \$1 million. We've had to take that out of hide that we don't have. But my good conscience won't allow me to stand up organizations and then let them atrophy. If we're going to train and certify them, they must be exercised if they're going to be ready when you need them. Otherwise, unless they go right into the crisis after graduation—and, even then, they're not going to be terribly effective, because they haven't practiced together. So you have to pull all of the parties together that are really going to come to the dance, and let them practice, so that when they are called upon in the middle of the night, on short or no notice, they can respond the way the American people expect them to.

Senator REED. I think you're absolutely right. In fact, I've been associated with the Army since 1967. It's gotten better as it's done with more realistic evaluations, more realistic in-the-field training. Not just the training, but evaluations, the whole—probably technology—the terminology is out of date, but the whole Radar Technology Improvement Program (RTIP) process, the whole evaluation, down to individual skills, from unit skills, is something that has moved us forward. We have to do the same thing on the homeland security side.



Mr. Secretary, I want to follow up the last comment you made about the fact that now we have these air capabilities to essentially photograph everything on the ground for a damage assessment. Is there a legal issue about who can interpret these photographs? Or where does the information go? For example, my last point before I relinquished to Senator Thune was, we had thousands of people trapped in the Superdome. Presumably, if you had aerial coverage, taking photographs, digitizing, and sending it down to photo interpreters, someone would have noticed thousands of people congregating outside, and perhaps assumed that, if they're outside, there are more inside, and we could have moved quicker to relieve the pressure. Can that be done now, or is there a legal obstacle to interpreting these photos and getting information to the right people?

Mr. MCHALE. There are certainly public policy questions, important public policy questions, and, I believe, very likely, related legal issues.

When I spoke earlier about the need for more timely and accurate damage assessment, I was focused on the physical consequences of a catastrophic event.

Senator REED. Right.

Mr. MCHALE. In the days after landfall of Hurricane Katrina on August 29, we did not immediately appreciate the enormous damage that had taken place along the Mississippi Gulf Coast, because, by comparison to the coverage in New Orleans, the coverage of the Mississippi Gulf Coast was modest. The focus tended to be upon New Orleans, so we saw everything through that region—everything in that region through the prism of a New Orleans perspective. So we have recognized that, for wide-area surveillance, not involving the observation—certainly not the direct or intended observation of the movement of citizens, either groups, crowds, or individuals, but, rather, to simply see what's been blown away by the event, we have prepared, and in fact, for Hurricane Rita, deployed, assets to gather that wide-area surveillance.

Now, my instinct, Senator, is to say that obviously there are profound issues of public policy when those aerial platforms begin observing people, as opposed to damage. I know that legally there are issues, legal issues, associated with any observation of citizens by military platforms for purposes of collecting information on those citizens for later criminal prosecution. We can't do that. That violates Posse Comitatus.

I guess what I would say to you is, we are confident that it's an appropriate military role to use those collection assets for rapid, accurate damage assessment. We have not, and in the absence of clear statutory authority, would not, take on the responsibility of observing citizens, either groups or individuals. Frankly, if you want to find out that somebody's at the Superdome, the first-responders who are on the ground, the military personnel who are on the ground observing events, can provide a much more timely and accurate picture of what's happening than something that we draw from an aviation asset.

Senator REED. Mr. Secretary, let me observe, and I think you will agree, you already have a public policy problem, because the photograph of the battle, the photograph of New Orleans to assess the levee damage would reveal citizens.

Mr. MCHALE. Oh, yes, sir.

Senator REED. So, we could be in the very interesting position where we have graphic evidence of a need to rescue Americans, yet no one has thought through how you legally get that information to someone who can effect the rescue or the relief.

Mr. MCHALE. Yes, sir.

Senator REED. So, I would just urge you to—and I know you have—study this quickly, address those public policy problems.

Mr. MCHALE. Yes, sir.

Senator REED. If we need statutory relief, please send us some recommendations so that we can make the judgment—and I think you would urge that should be made—of what is the proper policy.

Mr. MCHALE. Yes, sir. The public policy question really involves the intent of that aerial imagery. So long as we collect aerial imagery that is for the purpose of damage assessment, the fact that individual citizens or groups of citizens show up on that imagery is not a problem and we can disseminate that information. If we begin focusing that aerial imagery not on damage assessment, but on the movement of citizens on the ground, then you get into issues related to both the law and public policy if that imagery reveals—

Senator REED. Right.

Mr. MCHALE.—unintentionally—

Senator REED. Yes.

Mr. MCHALE.—in the collection of the imagery, criminal activity.

Senator REED. I appreciate that, but the reality is, in one of these crises, you will have multiple data about people, about physical destruction about potential problems.

Mr. MCHALE. Yes, sir.

Senator REED. We have to have a way, legally and constitutionally, that we can get pertinent information to people so that we can relieve citizens who are in distress. I would be very interested in seeing a recommendation as to how we do this.

General Inge, how is the intelligence-sharing between NORTHCOM of the NCTC functioning today?

General INGE. Can I comment very briefly on the previous discussion?

Senator REED. Yes, you may, sir. Yes.

General INGE. Public law has not been an impediment to us doing what we need to do. We are very careful that we don't put ourselves in a position where we can be accused of spying on our citizens. We are very sensitive to civil liberties.

But I wouldn't want us to leave here thinking technology is the solution to this problem. It will only be a—

Senator REED. Yes.

General INGE.—benefit to it, but it won't be the solution. The boots on the ground of the guy reporting accurately what he or she sees, and getting that report properly integrated to the right people, is the long-term solution to situational awareness.

The TAG of Mississippi personally rode down the coast of the Gulf Coast the night the storm moved through. So, he knew what was there. There weren't enough overhead assets, 3 days later, that were going to help them very much.

Senator REED. Right. Let me applaud both the Secretary's and your concern with civil liberty. I want to reinforce that. This is not a plea to disregard. This is actually a plea to respect those. But I'm just looking ahead, I hope, practically, to the point where you have the information, and you can't use it, and people are suffering. Shame on us.

General INGE. Absolutely.

Senator REED. We should have thought through this problem and at least have some type of procedure to alleviate it.

Now your counterterrorism comment.

General INGE. Sir, I was new to homeland intelligence when I came to this job 18 months ago, and everyone around the land told me how bad intelligence cooperation was, and, if you didn't believe that, you just had to listen to the news. I got out there, and I found senior representatives from each of our agencies in our headquarters in our morning meetings, sharing appropriate information back and forth. We have good liaison support with the agencies now, and good cooperation.

Is it as good as it needs to be? No, sir, it's not. But it's improving on a daily basis. All of the senior heads of those departments have been to us in the recent months to make sure we're working to do what we need to do to meet the needs of the people.

Senator REED. Let me just give you a follow-up question.

General INGE. Go ahead.

Senator REED. Do you receive actionable intelligence on a regular basis? I mean, this is something where—

General INGE. We receive intelligence. We haven't had the need, as a military, to action it.

Senator REED. Right. Specifically, what could we do to improve it? Are there specific steps that still have to be taken that you could urge us to take?

General INGE. We, as the executives, are continuing to work this problem, to the mutual benefit of the American people. I'm not sure that there's immediate steps that need to be taken here.

Senator REED. It's just—keep the pressure on, keep moving forward, never be satisfied.

General INGE. It's another piece of the interagency coordination that we just have to continue every day to get better at it because we're not as good as we need to be, but we're better today than we were yesterday.

Senator REED. Right. General Inge, Admiral Keating has decided to combine NORAD and NORTHCOM Command Centers. I must commend you for developing a new phrase for the Cheyenne Mountain, "The Warm Standby."

General INGE. Yes, sir.

Senator REED. I sometimes feel like I'm warm standby. So, I'm going to use that, with your permission.

Will this initiative change the mission and capability of NORAD? Will functions at Cheyenne Mountain be reduced or eliminated when relocated to Peterson Air Force Base?

General INGE. Sir, we will take the air warning and the aerospace surveillance piece, move that piece of the Operations Center into our, now NORAD/NORTHCOM Command Center, so the com-

mander will be able to go to one place, get a common operating picture of all domains at one time.

Senator REED. Has this been coordinated with General Cartwright, at STRATCOM?

General INGE. Yes, sir.

Senator REED. What is the impact of moving the operation of NORAD, as a binational command with Canadian involvement? Essentially, what is the reaction of the Canadians, at this point?

General INGE. We have coordinated with appropriate people in Canada before we proceeded to do this. What the outcome will be, and the precedent as we move forward, remains to be determined, but the key leaders who needed to be coordinated with, were coordinated with before we started, so it's not a surprise to them.

Senator REED. Thank you very much.

General INGE. Certainly here in the country, as well—in our country.

Senator CORNYN. Thank you, Jack.

The discussion about taking pictures of people and—as part of a damage assessment, and inadvertently picking up American citizens, and the potential conflict in our laws, raises another interesting question, and a related question.

Secretary McHale, we're all familiar with the debate about the NSA and the Terrorist Surveillance Program that's going on. One of the important functions of the NSA also relates to cybersecurity. I'd like to know whether you have any concerns regarding information assurance and Posse Comitatus. Are there any changes in the law that—and you can either take this question now or get back to us with a written response later on—but I'd be interested to know, given the fact that technology has certainly outstripped the 1978 law, Foreign Intelligence Surveillance Act, that Congress passed, that our ability to both get information and also the defensive efforts we need to undertake to protect our own information infrastructure have certainly changed, and are changing perhaps even as we speak, I'd like to know whether you have any concerns with regard to legal limitations, like Posse Comitatus may have, with regard to our ability to provide information assurance.

Mr. MCHALE. Senator, when I took this position, I promised the general counsel of the DOD that I wouldn't practice law without a license. I am an attorney in private life from time to time, but I'm not really prepared, nor would it be appropriate for me, to address the legal questions today, although we can certainly get back to you on that level of a response to your question.

[The information referred to follows:]

The General Counsel of the Department of Defense (DOD) advises me that, as described below, information assurance activities of the DOD are not limited by the Posse Comitatus Act. The Posse Comitatus Act, with certain exceptions, generally prohibits the use of any part of the Army or the Air Force for civilian law enforcement purposes. DOD defines information assurance as measures that protect and defend information and information systems by ensuring their availability, integrity, authentication, confidentiality, and nonrepudiation, including the restoration of information systems by incorporating protection, detection, and reaction capabilities. Accordingly, DOD's information assurance focus is on protection and defense of its information and information systems rather than on civilian law enforcement. To the extent that DOD information assurance activities may involve activities that appear to be civilian law enforcement, these activities probably would be within the military purpose exception to the Posse Comitatus Act. This judicially recognized ex-

ception permits DOD participation in civilian law enforcement-like activities if there is an independent military purpose for the activities, in this case, the protection and defense of DOD information and information systems.

Mr. MCHALE. Operationally, I have to tell you, I do have those concerns. I think it would be irresponsible not to be concerned about cybersecurity and mission assurance in the context of adversaries who undoubtedly would attack us, in terms of cyber-vulnerabilities, if given an opportunity to do so.

Much like border security and some of the other issues that we talked about earlier, it's important to emphasize that the cybersecurity of the United States is not a DOD responsibility, it's a responsibility that, by law, has been assigned primarily to the DHS. We do have the responsibility within the DOD to protect our own command-and-control capabilities and other operational capabilities of DOD from a cyberattack. I do have concerns, and that doesn't reflect an inadequacy, in terms of what we're doing to protect those assets. It simply reflects the reality that those assets almost certainly would come under attack either prior to, or during, an overt combat operation against the United States.

That said, what I'd like to do, perhaps at a classified level, is get back to you, both with a more detailed answer, in terms of cyber-defenses and vulnerabilities within DOD, how that nests within the larger responsibility of DHS, and the legal implications associated with that defense.

Senator CORNYN. Thank you very much. That would be very helpful. We'd appreciate that very much.

I just have two other relatively quick areas I want to inquire.

I'm pleased that we've been joined by Senator Levin, the ranking member of the committee.

First of all, let me ask General Blum. Since 2000, Congress—and this committee taking the lead—has provided approximately a half a billion dollars to establish and sustain 55 WMD Civil Support Teams and 17 CERFPs, or otherwise known as, I guess, Chem-Bio Radiological Nuclear Enhanced Response Force Package teams. What's the current status of these two programs? Is there any need for any additional CERFP teams in fiscal year 2007?

General BLUM. Thank you, Mr. Chairman, for the question.

It was Congress that established the Civil Support Teams. The ultimate goal is to have 55 of those, one in each State, two in California, before the end of the program. At that point, I think we will probably have more than sufficient number of Civil Support Teams.

Are they perfectly configured? Are they perfectly equipped now that we've had some experience and time? I'm not sure of that. I think after we have them all fielded, trained, and we get to test and exercise them, we may want to make some minor modifications to their capabilities and composition of the team. Having said that, there has not been 1 day—1 day—passed in any month, in any year since 2000 that these teams have not deployed. The calm and the psychological terror that they have prevented by being able to show up in a shopping center or a business district, and to assess immediately whether the white powder was sugar or some other harmful substance, has been incredibly important.

They have also responded in a capacity that—far greater than anybody ever intended, with what Secretary McHale described, and

that's the ability to bridge the communications normally that are brought to bear by the National Guard, Army, and air communications with the civilian first-responders. So, at the local level, at the very local level in the States and the cities and the counties and municipalities, when these teams come out, and the National Guard gets called out, and the police and firefighters or emergency servicepeople are called out, or hazardous materials teams come out, they work magnificently well together, and they're well received. They have also plugged in, on the incident command system, in a magnificent manner. Even the most critical elements of civilian emergency response welcomes their presence, are glad when they come to the scene, and they're now, this is a success story. But I don't think we need to expand the Civil Support Teams in the country beyond 55 at this time.

I would like consideration given to some of the legislative restrictions that are put on the Civil Support Teams. Since Congress created them, they also put the law in there that restricts their ability to go outside of the country. There are scenarios and times and events that would be hugely beneficial to NORTHCOM to be able to acquire these Civil Support Teams to help our neighbors in Canada and Mexico, for example. Certainly, I could envision other places around the globe where the capabilities and the expertise of these Civil Support Teams, now that we have sufficient number of them, would be highly useful to the combatant commanders and our allies around the world, and would also be very welcome in building new partners overseas who are also worried about WMD and counterterrorism and may want to build their own versions of Civil Support Teams.

Now, the CERFPs, we started with 12, one in every FEMA region, plus several extra, because I—you realize that—we talked about earlier, the National Guard is deployed today around the world, so it's likely that parts of those CERFPs would be mobilized and deployed overseas. By having 12, we would always have at least one for every FEMA region by having that float. That has worked out very well, and I welcome the fact that this body has asked us to expand it to five more.

Do I think we need more, beyond the 17? I'd rather feel the 17 and evaluate it and give you a more educated answer than to just give you a swag today. Right now, I think we probably have what we need, but I'd come back after an evaluation of the program.

Mr. MCHALE. Senator, just as a footnote to the comment made by General Blum. On the issue that he talked about—and that is, cross-border movement of the CSTs to provide, for instance, consequence management capabilities to Canada, if requested, or conceivably to Mexico, if requested—for instance, we have the Vancouver Olympics coming up in the not too distant future, where it's foreseeable that it would benefit both Canada and the United States to allow the CST to move cross-border—we are preparing draft legislation that we will submit for your consideration that would allow for the cross-border movement of CSTs to deal with a WMD event that might take place, for instance, north of our U.S./Canadian border.

Senator CORNYN. Thank you very much.

One final category of questions I have for Secretary McHale, and this has to do with biometrics. I understand that the DOD is collecting biometric information from individuals detained in Iraq and from forensic investigations of improvised explosive device (IED) attacks. Is the biometric data collected in theater connected to, or shared with, our—your office or with the DOJ, the Department of State, or the DHS? For example, if a detainee was to escape from custody, would our current system of screening people prevent him or her from entering the United States using a forged name? If you could just address, generally, what the DOD's policy is on the development, integration, and use of biometrics technology across Federal agencies.

Mr. MCHALE. Consistent with applicable law, we are aggressively using biometrics for the purposes that you describe, Senator. I would estimate that it was about a year and a half ago, the DOD established uniform procedures for the collection of biometric information and applied those uniform standards to our forward-deployed combatant commands, so that, with a very conscious intent, now executed, to collect biometric data, let's say, in CENTCOM, the data collected is transmitted to a co-located facility with the Federal Bureau of Investigation (FBI). I would note, as a footnote, when we stood up that facility, we worked with the FBI and others, most especially DHS—Secretary Ridge and I talked about this very issue, in direct conversation—we transferred many, many—I'll just keep the number general—but hundreds of thousands of biometric datasets going back to the early 1990s to form the base data for this system. So today when we add to that system newly collected data acquired in overseas geographic combatant commands, not only do we have access to it, we're co-located with the FBI, and that information is shared with the entire interagency, to include DHS.

Senator, if I may, it's an extraordinary success story. Again, in an unclassified setting, what I can tell you is we have had many instances when that biometric data has informed a decision as to whether or not an individual in our custody will be released. For instance, we have acquired biometric data from threats overseas, and we have linked that data to specific individuals, and, in specific cases, have kept them in custody, under circumstances where, but for that biometric data, they might have been released.

Senator CORNYN. Thank you very much.

Senator Levin.

Senator LEVIN. Mr. Chairman, thank you very much for allowing me to come to the hearing this morning as a Johnny-come-lately and ask some questions. I appreciate your courtesy.

I appreciate the work of all three of you gentlemen.

First, there appears to be a widespread agreement that one of the lessons learned from Hurricane Katrina is that there needs to be better planning and training to improve coordination between the National Guard and Active-Duty troops. The White House report on Katrina called the current deployment system, "fragmented."

The National Response Plan states the following, "The National Guard Forces employed under State Active-Duty or title 32 status"—and that's the status where we pay for the operations of the

State National Guard Forces—“that are employed either under State Active-Duty or title 32 status are providing support to the Governor of their State and are not part of Federal military response efforts.”

Now, that really makes pretty sharp dichotomy between State forces, National Guard, and Active Duty. It is too sharp a dichotomy, in my judgment. I know we have to keep it, constitutionally. I know, Secretary McHale, you have made reference to that. But, in terms of coordination, it is too sharp a dichotomy. I think NORTHCOM has to be hooked into what the National Guard is doing, particularly since we have this arrangement among the Governors where they call on each other to supply National Guard.

So I guess the first question, General Inge, would go to you, as to whether or not NORTHCOM, at least in Katrina, was adequately linked into the utilization of National Guard Forces. If so, what do we need to do to improve that coordination?

General INGE. Sir, the answer to that question is, yes and no. In the early days, we didn't feel that we had clear enough picture on what was happening within the National Guard. I don't believe that it was due to a lack of willingness to do that, in any way. I don't mean to imply that. But as we moved into the operation, we developed what reports needed to be submitted at what time, as we saw the numbers were going to pass 50,000 people wearing the uniform on the ground, and it became much improved.

I would tell you that, as recently as last week General Blum and I met with the J-3 of the Joint Staff to discuss this issue, to satisfy ourselves that we now have the proper procedures in place to share and pass information. Sitting in our Operations Center at Colorado Springs today, the two chairs on the end of the front row are National Guard guys that have direct links back into Bureau Operating Center to make sure that we have this problem solved.

I would also report to you that in preparation for the coming hurricane season, we've already met and conferenced with the adjutants general of the hurricane States, out at Colorado Springs, at NORTHCOM, to discuss the need for awareness. You would appreciate the spirit of cooperation and the positive response that we had, both from us to them, and them to us, to make sure that we've rectified this problem. I feel fairly confident that we have.

Senator LEVIN. Okay. When the Federal Government pays for the costs involved with National Guard deployment, sometimes that comes after the fact. So, in this case, I believe—Secretary McHale or General Blum may know—that the title 32 decision to reimburse the States for costs, came weeks afterwards.

General BLUM. No, it—well, I'll—

Senator LEVIN. Or days after?

Mr. MCHALE. Days.

General BLUM. It was days. I'll tell you the day. It was September 3.

Senator LEVIN. Was that, what, Friday?

General BLUM. Yes, sir. But the—

Mr. MCHALE. No.

General BLUM.—order was retroactive until August 29, which is the day the hurricane made landfall.

Senator LEVIN. Right.



General BLUM. So, the States bore the burden for calling up the National Guard pre-landfall, but, as soon as the effects made landfall, when we really saw we needed to flow large number of forces in there, the Under Secretary of Defense——

Mr. MCHALE. Deputy Secretary.

General BLUM.—Deputy Secretary of Defense, Secretary England, actually authorized the retroactive payment of those orders to the 29th. That decision was made probably as fast as I've ever seen a decision made in the Pentagon, on September 3.

Senator LEVIN. Right.

General INGE. Sir, that was Wednesday or Thursday of the week of the hurricane.

Senator LEVIN. It just reinforces the Federal role here. What I'm really trying to say is that there's a major Federal role, not just in terms of Active-Duty Forces, but in terms of payment for the National Guard.

General INGE. Yes, sir.

Senator LEVIN. My last question relates to the chain of command. Do we have a Federal role through title 32 utilization, let's start with that. Should we have a single chain of command? At what point should there be a single military chain of command over both National Guard and Active-Duty? Or, should there never be a single chain of command?

General?

General BLUM. I would—from my point of view, I don't think the answer is an absolute. I think—and I'm not trying to evade the question—it depends on the situation. For instance, that hurricane hit Florida; they had a single chain of command. That hurricane also hit Alabama; they had a single chain of command. That hurricane also hit Texas; and they maintained a single chain of command. Mississippi insisted that they maintain a single chain of command. Now, that doesn't mean that title 10 forces didn't assist all four of those other States. Now, I've deliberately left Louisiana out of the discussion, because that's what everybody focuses on. But you have to remember, there were four other States affected, and, frankly, destruction-wise, to a greater degree; damage-wise, to a greater degree.

Senator LEVIN. Who was the commander of the title 10 forces?

General BLUM. The commander of the title 10 forces is the President of the United States and then whoever he designates below him.

Senator LEVIN. Underneath the President, who is the commander?

Mr. MCHALE. It goes from the President of the United States to the Secretary of Defense, to the——

Senator LEVIN. Keep going.

Mr. MCHALE.—to the combatant commander.

Senator LEVIN. Who is——

Mr. MCHALE. Now——

Senator LEVIN. What is——

Mr. MCHALE. NORTHCOM.

Senator LEVIN. NORTHCOM, okay.

Mr. MCHALE. Admiral Keating.

Senator LEVIN. So, I want to just stop there at NORTHCOM. Who's the commander of the National Guard Forces in Louisiana?

General BLUM. The Commander in Chief, again, is the Governor. Senator LEVIN. Down to?

General BLUM. Down to the adjutant general.

Senator LEVIN. The adjutant general.

General BLUM. Then the operational force is the Joint Force Headquarters commander that's subordinate to the Governor.

Senator LEVIN. Is there ever a single chain of command between title 10 forces and the National Guard?

General BLUM. We have done that, sir, four or five times.

Senator LEVIN. I know we did it during the riot situation.

General BLUM. We've done it in the G8 Summit, we've done it for the National Democratic Convention, we've done it for four national special security events.

Senator LEVIN. Should we do it in an instance like Katrina?

Mr. MCHALE. No, sir, unless absolutely essential. If I can re-vector slightly what you're heard so far, we have had dual-hatted command in four circumstances. That's not really a single chain of command. That preserves the authority of the Governor, preserves the authority of the Secretary of Defense, and their authority comes together in the person of one individual, who is responsible to both in the exercise. That's not really a single chain of command.

Senator LEVIN. Okay, let me go to dual-hatted. Let me shift over. Should there be a dual-hatted person in Katrina situations?

Mr. MCHALE. No, sir.

Senator LEVIN. Okay. Why not?

Mr. MCHALE. Dual-hat works when you have an absolutely inseparable partnership between the President of the United States and an individual Governor. If there is any daylight between the two of them in a crisis environment, it leaves that commander, who is responsible to both, in a very difficult position.

In my judgment, dual-hatted command is an excellent command-and-control approach in a noncrisis environment, like the four circumstances that General Blum mentioned a moment ago. But in a crisis, if you're going to have a difference—a good-faith difference of opinion between the President and the Chief Executive of the State, I think you're inviting a very difficult circumstance to put a single officer in a position to be responsible to both.

Can you achieve unity of command? The answer is yes. How do you implement it? You implement it by federalizing the National Guard. Is that, historically speaking, an extraordinary decision? Yes. We did it in Los Angeles in 1992, because the Governor asked us to do it. But we haven't done it involuntarily, creating a single chain of command, stripping the Governor of command authority, since the Civil Rights Movement.

Senator LEVIN. I'm going to conclude, again, with my thanks to the chair and ranking member here. There were really gaps in coordination in Hurricane Katrina, in our military response. I am going to just leave it at that.

I think it is important that you inform this committee as to what you are working out to close those gaps. I think they were obvious and they were unacceptable to everybody. There were long delays. There were misunderstandings. The Governor thought she had

made a request that did not appear from the Federal side to be a formal request. We have heard a lot of testimony over in the Homeland Security and Governmental Affairs Committee. We have to work it out. I think from the point of view of the Nation, we must have a very clear coordination of a military response.

There's no excuse, as far as I am concerned, to have our military down at or near a convention center and our Federal officials not even knowing about it. We had NORTHCOM not knowing what the National Guard were up to. It is just totally unacceptable. I know efforts are underway to make sure that never happens again. Just please keep this subcommittee and our full committee informed, as well as the Homeland Security and Governmental Affairs Committee.

Thank you very much.

Senator CORNYN. Thank you, Senator Levin.

The concerns that you express are ones that we, I know, all share. We've heard some very practical solutions to those problems already, in terms of interoperable communications, in terms of joint training and exercising, making sure that those budgets are funded so that that can occur, so that our military can practice together, and so when a catastrophe arises, they can respond more effectively than perhaps they've been able to do in the past.

I, for one, have learned a lot from this hearing. I want to express my gratitude to each of you for your testimony and your participation. I know there will be some follow-up that we'll want to undertake, and perhaps some additional briefings and other questions, maybe even by members of the subcommittee.

We're going to leave the record open, so that if there are any members of the subcommittee who want to ask question in writing—we'll leave the record open, let's say, until next Friday, a week from today—they can submit those in writing, and if you'll respond—I don't know that there will be, but, if there are, then I want to provide them an opportunity to do that.

With that, I thank you for your time and your service, and the hearing is now adjourned.

[Whereupon, at 11:33 a.m., the subcommittee adjourned.]



**DEPARTMENT OF DEFENSE AUTHORIZATION  
FOR APPROPRIATIONS FOR FISCAL YEAR  
2007**

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**WEDNESDAY, MARCH 29, 2006**

U.S. SENATE,  
SUBCOMMITTEE ON EMERGING THREATS  
AND CAPABILITIES,  
COMMITTEE ON ARMED SERVICES,  
*Washington DC.*

**U.S. NONPROLIFERATION STRATEGY AND THE ROLES  
AND MISSIONS OF DEPARTMENT OF DEFENSE AND  
THE DEPARTMENT OF ENERGY IN NONPROLIFERA-  
TION**

The subcommittee met, pursuant to notice, at 9:43 a.m. in room SR-222, Russell Senate Office Building, Senator John Cornyn (chairman of the subcommittee) presiding.

Committee members present: Senators Cornyn, Collins, Reed, E. Benjamin Nelson, and Clinton.

Committee staff members present: Leah C. Brewer, nominations and hearing clerk; and John H. Quirk V, security clerk.

Majority staff member present: Lynn F. Rusten, professional staff member.

Minority staff members present: Madelyn R. Creedon, minority counsel; and Richard W. Fieldhouse, professional staff member.

Staff assistants present: Jessica L. Kingston and Benjamin L. Rubin.

Committee members' assistants present: Mackenzie M. Eaglen, assistant to Senator Collins; Russell J. Thomasson, assistant to Senator Cornyn; Elizabeth King, assistant to Senator Reed; William Sutey, assistant to Senator Bill Nelson; Eric Pierce, assistant to Senator Ben Nelson; and Andrew Shapiro, assistant to Senator Clinton.

**OPENING STATEMENT OF SENATOR JOHN CORNYN,  
CHAIRMAN**

Senator CORNYN. The Subcommittee on Emerging Threats and Capabilities will come to order. Senator Reed, our ranking member, will be arriving momentarily. We're pleased to have Senator Collins here with us as well, as well as each of our witnesses.

The subcommittee meets today to receive testimony on U.S. non-proliferation strategy and the roles and missions of the Department

of Defense (DOD) and the Department of Energy (DOE) in nonproliferation.

We welcome each of our witnesses: The Honorable Peter C. W. Flory, Assistant Secretary of Defense for International Security Policy; General James E. Cartwright, USMC, Commander, U.S. Strategic Command (STRATCOM); and the Honorable Jerald S. Paul, Principal Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Agency (NNSA) of the United States DOE. The Honorable Robert G. Joseph, Under Secretary of State for Arms Control and International Security, could not be with us today due to a conflict with his testimony in the Foreign Relations Committee but he has submitted a very helpful statement for the record, which I will insert after my remarks.

The programs and missions for which each of you are responsible are critically important to the national security of the United States. In a major address on nonproliferation at the National Defense University on February 11, 2004, President Bush stated: "The greatest threat before humanity today is the possibility of a secret and sudden attack with chemical or biological or radiological or nuclear weapons." He was referring, of course, to the threat of weapons of mass destruction (WMD) getting into the hands of terrorists.

Appearing before the Senate Armed Services Committee just 1 month ago, Ambassador John Negroponte, the Director of National Intelligence (DNI), testified that terrorism is the preeminent threat to the United States, and the key terrorist organizations remain interested in acquiring chemical, biological, radiological, and nuclear materials or weapons to attack the United States, U.S. troops, and U.S. interests worldwide. Each of you have significant responsibilities for programs and missions that are aimed at reducing the proliferation threat, and managing the consequences should such weapons ever get into the wrong hands or even be used.

Assistant Secretary Flory, we look forward to your testimony on the administration's nonproliferation policy and strategy, the Cooperative Threat Reduction (CTR) program, DOD's role in the Proliferation Security Initiative, and your assessment of efforts underway in the DOD to consolidate and integrate myriad Department activities into a unified "combating WMD" mission.

With respect to the CTR program, the subcommittee is interested in your testimony on the progress of the chemical weapons destruction facility at—I'm going to have a hard time pronouncing that here—Shchuch'ye; the prospects for using CTR funds to eliminate chemical weapons in Libya, and your vision of the future of the CTR program.

General Cartwright, we look forward to your testimony on your new responsibility for integrating the DOD's efforts to combat WMD. We understand this is a work in progress. We look forward to enhancing our understanding of what this mission encompasses, how you plan to carry out your responsibilities in this area, and what role the Defense Threat Reduction Agency (DTRA) will play. We'll be interested to hear what milestones you have set to measure progress in integrating DOD's efforts to combat WMD.

Deputy Administrator Paul, we look forward to your testimony on the impressive and growing array of the DOE nonproliferation

programs. Second Line of Defense, Megaports, the Global Threat Reduction Initiative, the elimination of weapons grade plutonium production programs, to name just a few, are making important contributions to U.S. nonproliferation objectives.

One program that I have concerns about is the mixed-oxide (MOX)/plutonium disposition program, which seems to have an uncertain future on the Russian side, and has experienced considerable cost growth and schedule delays on the U.S. side. We look forward to a dialogue with you about the way forward in this program.

In general the fiscal year 2007 DOD and DOE budget requests demonstrate the administration's continuing commitment to threat reduction and nonproliferation programs. I strongly share that commitment and believe that we must maintain and strengthen our support for these vital nonproliferation programs in the future. The subcommittee looks forward to your testimony and I thank each of you for the service to our Nation and your presence here today to provide testimony.

[The prepared statement of Hon. Joseph follows:]

PREPARED STATEMENT BY HON. ROBERT G. JOSEPH

U.S. STRATEGY TO COMBAT THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

I am pleased to have the opportunity to provide a written statement to the subcommittee regarding the threat to U.S. national security from the proliferation of weapons of mass destruction (WMD) and delivery means, and the administration's strategy for combating that threat.

Almost immediately upon assuming office, President Bush emphasized that WMD proliferation was the major security threat of the 21st century, requiring a new, comprehensive strategy. In a speech at the National Defense University on May 1, 2001, the President said:

. . . this is still a dangerous world, a less certain, a less predictable one. More nations have nuclear weapons and still more have nuclear aspirations. Many have chemical and biological weapons. Some already have developed the ballistic missile technology that would allow them to deliver weapons of mass destruction at long distances and incredible speeds. A number of these countries are spreading these technologies around the world.

Today's world requires a new policy, a broad strategy of active nonproliferation, counterproliferation and defenses. We must work together with other like-minded nations to deny weapons of terror from those seeking to acquire them. We must work with allies and friends who wish to join with us to defend against the harm they can inflict. Together we must deter anyone who would contemplate their use.

A year later, in his first National Security Strategy of the United States and the National Strategy to Combat Weapons of Mass Destruction, the President expanded both on the requirements to meet today's threats and on the tools we would marshal against them. The National Strategy to Combat WMD is the first of its kind—a broad strategy uniting all the elements of national power needed to counter the full spectrum of WMD threats. Previous U.S. approaches had focused almost exclusively on nonproliferation. The Bush administration has dramatically expanded U.S. nonproliferation efforts to prevent acquisition of WMD, related materials and delivery systems by rogue states or terrorists. At the same time, the President recognized the reality that preventive efforts will not always succeed. Therefore, the National Strategy to Combat WMD put new, and necessary, emphasis on counterproliferation—to deter, detect, defend against, and defeat WMD in the hands of our enemies. Further, the National Strategy also focused on consequence management, to reduce as much as possible the potentially horrific consequences of WMD attacks at home or abroad.

The three pillars in the national strategy of counterproliferation, nonproliferation, and consequence management do not stand alone, but rather come together as seamless elements of a comprehensive approach. Underlining that point, the Na-

tional Strategy identified four crosscutting enabling functions that are critical to combating WMD: intelligence collection and analysis; research and development; bilateral and multilateral cooperation; and targeted strategies against hostile states and terrorists.

To succeed in our effort to combat WMD proliferation, we must apply all elements of national power—diplomatic, economic, intelligence, law enforcement, and military.

#### *Diplomatic Tools*

The Bush administration has given new vitality to the use of diplomatic tools to prevent the proliferation of WMD. U.S. assistance to other countries to reduce and prevent the proliferation of WMD and delivery vehicles—through the Department of Defense's (DOD) Cooperative Threat Reduction (CTR) program, the DOE's nuclear nonproliferation programs, and the smaller but nonetheless important Department of State (DOS) programs—has been at record funding levels. The President has committed an average of \$1 billion a year to these critical efforts; we greatly welcome the consistent, strong support of the subcommittee, the committee, the Senate, and the House of Representatives, for these essential programs. Moreover, with the proposal in 2002 for the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, the President successfully called on our foreign partners to commit their fair share to the effort to meet what is a global responsibility. We continue to work closely with the other G-8 members to realize fully the potential of this critical commitment. Although much remains to be done, the Global Partnership has already had important success in increasing non-U.S. funding for securing and eliminating sensitive materials, technologies and weapons.

While the bulk of U.S. nonproliferation assistance remains focused on the states of the former Soviet Union, we have also expanded our efforts to address proliferation threats more broadly. It is noteworthy how these programs have evolved to meet today's threats, from an early focus on denuclearizing Ukraine, Belarus, and Kazakhstan and on reducing the former Soviet strategic arsenal, to an increasing concentration on measures to prevent the proliferation of WMD and related materials. Landmark DOE programs include the Global Threat Reduction Initiative to reduce fissile and radioactive material worldwide, and the Second Line of Defense and Megaports programs to install radiation detection capability at major seaports, airports and land crossings. While the statutes authorizing the CTR program give it less flexibility than its DOE counterparts for work outside the former Soviet states, DOD is taking full advantage of the flexibility it has been given to eliminate chemical weapons in Albania.

The United States has also spearheaded the effort for the United Nations Security Council to take on its responsibilities to maintain peace and security against WMD threats. A major milestone was the passage in April 2004 of United Nations Security Council Resolution (UNSCR) 1540. In adopting UNSCR 1540, the Security Council—for only the second time since its founding—invoked its Chapter VII authorities to require nations to act against a general, as opposed to a specific, threat to international peace and security. In particular, UNSCR 1540 requires all states to prohibit WMD proliferation activities, such as we witnessed with the A.Q. Khan network. It further requires that states institute effective export controls, and enhance security for nuclear materials on their territory. The United States stands ready to assist other states in implementing UNSCR 1540; here too, DOE and DOD nonproliferation assistance programs, as well as those of the DOS, are key instruments for the administration's strategy to combat WMD.

The United States also has led the way to strengthen the International Atomic Energy Agency's (IAEA) ability to detect nuclear proliferation. We instituted a successful effort to increase the IAEA's safeguards budget. We have strongly supported the IAEA Additional Protocol, to strengthen the IAEA's ability to uncover clandestine nuclear programs. The President submitted the U.S. Additional Protocol to the Senate, which gave its advice and consent to ratification in 2004, and called for all other countries to adhere to it as well. The President also successfully urged the creation of a new special committee of the IAEA Board of Governors to examine ways to strengthen the IAEA's safeguards and verification capabilities.

In addition to the President's proposals to strengthen the IAEA institutionally, he challenged the international community to rectify the greatest weakness in the nuclear nonproliferation system: the ability of states to pursue nuclear weapons under the cover of peaceful energy programs. The lesson of Iran and North Korea is clear: some states will cynically manipulate the provisions of the Nuclear Nonproliferation Treaty to acquire sensitive technologies to enable them to pursue nuclear weapons capabilities—the very capabilities the treaty is intended to deny.



To close this loophole, the President has proposed that uranium enrichment and plutonium separation capabilities—the two primary paths to acquiring fissile material for nuclear weapons—be limited to those states that already operate full-scale, fully-functioning facilities. In return, he called on the world's nuclear fuel suppliers to assure supply, in a reliable and cost effective manner, to those states which forego enrichment and reprocessing. We are working with other fuel provider states and with the IAEA to put in place assurances that will convince states with power reactors that their best economic interest is not to invest in expensive, and proliferation risky, fuel cycle capabilities. The DOE plays a critical part in developing these Presidential initiatives and working with other nations to bring them to fruition.

DOE's Global Nuclear Energy Partnership (GNEP), which Secretary Bodman announced last month, offers the promise for the longer term of enhancing global access to nuclear energy while strengthening nonproliferation. An important emphasis of the initiative is to provide a basis for states to benefit from civil nuclear power while avoiding the costs and challenges of enriching fresh fuel on the front end of the fuel cycle and disposing of spent fuel on the back end. To that end, GNEP envisions a cradle-to-grave fuel leasing regime under which states that currently have the full fuel cycle would provide fresh fuel for nuclear power plants in user nations. The spent fuel would then be returned to a full fuel-cycle nation and would be recycled using a process that does not result in separated plutonium. The DOS is working closely with DOE to engage international partners to participate actively in GNEP.

#### *Defensive Measures*

We refer to another set of tools as “defensive measures.” A key requirement of counterproliferation is to protect ourselves from WMD-armed adversaries. Combating WMD requires both offensive and defensive capabilities, to deter, detect, defend against, and mitigate the consequences of WMD and missile attacks. As the President stressed in May 2001, we require new methods of deterrence against the proliferation threats of today. A strong declaratory policy and effective military forces are essential elements of our contemporary deterrent posture, reinforced by effective intelligence, surveillance, interdiction, and law enforcement. Because deterrence may not always succeed, our military forces must be able to detect and destroy an adversary's WMD before they are used, and to prevent WMD attack from succeeding through robust active and passive defenses and mitigation measures. All of those requirements place particular demands on the DOD. Major milestones in implementing the administration's comprehensive approach to combating WMD were marked in: January 2005, when the Secretary of Defense designated STRATCOM as the lead combatant command for this mission; in January 2006, when General Cartwright announced the initial operating capability of the new STRATCOM Center for Combating WMD in partnership with the Defense Threat Reduction Agency; and in February 2006, when the DOD issued the first National Military Strategy to Combat WMD.

Another critical defensive measure undertaken by the Bush administration to combat weapons of mass destruction is the Proliferation Security Initiative (PSI), which shows the close interaction among—and the creative use of—diplomatic, military, economic, law enforcement, and intelligence tools to combat proliferation. Within the U.S. Government, the DOD, Intelligence Community (IC), and the DOS all play essential roles in PSI. The participating countries are applying laws already on the books in innovative ways and cooperating as never before to interdict shipments, to disrupt proliferation networks, and to hold accountable the front companies that support them. PSI has now expanded to include support from more than 70 countries, and continues to grow. It is not a treaty-based approach, involving long, ponderous negotiations which yield results only slowly, if at all. Instead, it is an active—and proactive—partnership, to deter, disrupt, and prevent WMD proliferation. It is working.

Economic and financial tools are also key elements of our defensive measures. Adopting many of the means developed in the war against terrorism, we are now working with our partners to cut off the financial flows that fuel proliferation. UNSCR 1540 requires states to take and enforce effective controls on funds and services related to export and transshipment that would contribute to WMD programs. Consistent with UNSCR 1540, in July 2005, G-8 leaders called for enhanced efforts to combat proliferation through cooperation to identify, track, and freeze financial transactions and assets associated with proliferation-related activities.

President Bush augmented U.S. efforts in this area when he issued in July 2005 a new Executive order, which authorizes the U.S. Government to freeze assets and block transactions of entities and persons, or their supporters, engaged in proliferation activities. Currently 16 entities—11 from North Korea, 4 from Iran, and 1 from

Syria—have been designated under the Executive order, and we are actively considering additional ones.

Our efforts to combat proliferation can also be aided by other financial tools which are not specifically designed against WMD proliferation. For example, in September, the Department of Treasury (Treasury) applied authorities under the USA Patriot Act against an Asian bank that provides financial services to North Korean illicit activities, such as counterfeiting and drug trafficking. In designating Banco Delta Asia as a “primary money laundering concern” under the USA Patriot Act, Treasury acted to protect U.S. financial institutions while warning the global community of the illicit financial threat posed by the bank.

#### *The Challenges Ahead*

I would emphasize three proliferation challenges to illustrate the path ahead.

The first is to end the North Korean and Iranian nuclear weapons programs. The President has made clear repeatedly that, while all options remain on the table, our strong preference is to address these threats through diplomacy.

In the Six-Party joint statement of September 2005, North Korea committed to abandoning all its nuclear weapons and existing nuclear programs. This was a notable development, but we still must agree on, and implement, the detailed requirements of North Korean denuclearization and its verification. That task will be difficult. Indeed, North Korea’s demand for a light water reactor immediately after the joint statement was issued, and its more recent refusal to return to negotiations until the United States rescinds what Pyongyang calls “economic sanctions,” underscore the problems ahead. We have made it clear that we are committed to pursuing successful Six-Party negotiations, and we continue—with essential input from the DOD and DOE—to develop our detailed concepts for the verified denuclearization of North Korea. At the same time, we must and will continue our defensive measures, and expand them as required, to ensure that we can protect ourselves from the proliferation actions of the north, as well as from its illicit activities such as money laundering or counterfeiting.

In some ways, the challenge Iran poses to the nuclear nonproliferation regime is even more daunting and complex than the North Korean threat. We have now moved to a new phase, in which the Security Council can add its considerable authority to the international effort to counter Iran’s quest for nuclear weapons. The council will not supplant the IAEA effort, but reinforce it—for example, by calling on Iran to cooperate with the IAEA and to take steps the IAEA board has identified to restore confidence, and by giving the IAEA new, needed authority to investigate all aspects of the Iranian nuclear effort.

The Council should make clear to the Iranian regime that it will face increasing isolation and pressure if it does not reverse course, take the steps called for by the IAEA Board, and return promptly to negotiations. We will continue to consult closely with the EU-3 and the European Union, with Russia, China, and many other members of the international community as this new diplomatic phase proceeds. Indeed, Secretary Rice is meeting tomorrow in Berlin with her colleagues from the United Kingdom, France, Germany, Russia, and China to discuss the way forward.

Absent even more provocative actions by Iran, we envision a graduated approach by the Security Council, interacting closely with the IAEA. The Security Council can take progressively firmer action, to the extent necessary, to induce Iran to come into complete compliance with its Nuclear Nonproliferation Treaty and safeguards obligations, suspend all its enrichment- and reprocessing-related activities, and cooperate fully with the IAEA. We have been negotiating a statement by the President of the Security Council that would send a clear message to Iran that it must abandon its nuclear weapons ambitions. If Iran defies the Security Council Presidential Statement, as it has the IAEA Board of Governors resolutions, we will urge a Council resolution to put increased pressure on Iran to comply. The resolution could be grounded in chapter VII of the U.N. Charter, given the threat to international peace and security posed by Iran’s nuclear program. In issuing such a resolution, the Council could require Iran, within a specified short period of time, to comply with all elements of the IAEA Board resolutions, as well as with additional Council requirements such as opening up to substantially increased IAEA investigative authority. If Iran still does not comply, we will look to even firmer Council action. Our aim is that Iran will be persuaded to reverse course by the obvious resolve of the international community, shown first in the IAEA Board of Governors and beginning this month in the Security Council.

The second challenge is to end proliferation trade by rogue states, individuals and groups. As I described, we have made progress over the last few years. We have moved from the creation of international export control standards to their active enforcement—through enhanced national legislation, PSI interdictions, international

law enforcement and financial cooperation. We have shut down the world's most dangerous proliferation network. We are steadily reducing the opportunities available to proliferators. But we must continue to expand and deepen our efforts—using all available national and international authorities and, where necessary, creating new ones—until the proliferation trade has effectively ended.

The final challenge that I would mention is the need to prevent terrorist acquisition and use of WMD, and especially of biological and nuclear weapons. If terrorists acquire these weapons, they are likely to employ them, with potentially catastrophic effects. The biggest hurdle that a well-organized terrorist group with appropriate technical expertise would have to overcome to make a crude nuclear device is to gain access to sufficient quantities of fissile material. Although terrorist use of other weapons is more likely, the consequences of a terrorist nuclear attack would be so catastrophic that the danger requires particular attention. On the biological weapons side, with today's dual-use capabilities and access to particular, dangerous pathogens—many of which exist in nature or could be relatively easily obtained and cultured—the bioterror challenge presents a low-cost means to prosecute a potentially high-impact attack.

Many of the tools we have in place to combat proliferation by rogue states are relevant against WMD terrorism. A few examples are: reducing the global stocks of fissile material and securing those which remain; improved nuclear and biological detection capability; and the interdiction of trafficking in nuclear weapons and biological weapons components. A key difference, however, is one of scale. We cannot rest as long as enough material for even one nuclear weapon remains unsecured.

While many of the tools are the same, preventing WMD terrorism requires different approaches from those we have followed against state WMD programs or against conventional or non-WMD-related terrorism. For example, intelligence collection and action against the proliferation of WMD have traditionally focused on state-based programs, while anti-terrorist intelligence has focused on individuals and groups. Intelligence regarding the nexus of terrorism and WMD must cover the full range of state and non-state threats and their interrelationships. We are working hard to close any remaining gaps and to ensure that the intelligence process supports our strategic approach to combating WMD terrorism.

That strategic approach entails working with partner nations to build a global layered defense to prevent, detect and respond to the threat or use of WMD by terrorists. To prevent, we will undertake national, multilateral, and global efforts to deny terrorists access to the most dangerous materials. To protect, we will develop new tools and capabilities with partner nations to detect the movement of WMD and to disrupt linkages between WMD terrorists and their facilitators. Because we can never be certain of our ability to prevent or protect against all potential WMD terrorist attacks, we will cooperate with partners to manage and mitigate the consequences of such attacks, and to improve our capabilities to attribute their source. Thus, we will work to harness, in an effective multinational way, all relevant collective resources to establish more coordinated and effective capabilities to prevent, protect against, and respond to the global threat of WMD terrorism.

#### CONCLUSION

The strategic approach to combat WMD proliferation which the President first laid out almost 5 years ago continues to provide an essential guide to action against this paramount threat. Our strategy, supported by the new measures we have adopted to implement it, is flexible and dynamic, suited to the changing nature of the proliferation threat. Under the overall interagency leadership of the National Security Council, the DOS, DOD, and DOE work closely together at all levels—along with the Departments of Treasury, Commerce, Homeland Security, and the IC—to ensure the full and coordinated implementation of the President's strategy. While we have made substantial progress in countering today's proliferation threats, we cannot be satisfied. We must continue to heed the warning which the President gave in 2002: "History will judge harshly those who saw this coming danger but failed to act. In the new world we have entered, the only path to peace and security is the path of action."

Senator CORNYN. We'll go ahead and hear the opening statements from each of the witnesses then we'll turn to a round of questions and when Senator Reed arrives certainly give him a chance to make any opening statement he would care to make.

Mr. Flory, we'll be glad to hear from you first.

**STATEMENT OF HON. PETER FLORY, ASSISTANT SECRETARY  
OF DEFENSE FOR INTERNATIONAL SECURITY POLICY**

Mr. FLORY. Chairman Cornyn, thank you. Senator Collins, Senator Nelson. It's a honor to have the opportunity to testify before the subcommittee today to describe the DOD's efforts to combat the proliferation of WMD. I appreciate the opportunity to summarize my prepared remarks which I request be included in the record in full.

Senator CORNYN. Certainly, without objection. All written statements will be made part of the record.

Mr. FLORY. Thank you. My goal today is to share with you many of the new approaches, new initiatives, the DOD is taking to stop the proliferation of WMD, to preventing its use, and to enable our warfighters to accomplish their missions in a WMD environment, if necessary.

This is not a new mission, it's something we've been focusing on particularly since the events of September 11 and the promulgation of a national strategy on combating WMD in 2002. The challenge was summed up particularly well by President Bush in his January 2004 State of the Union address, when he said, "America is committed to keeping the world's most dangerous weapons out of the hands of the most dangerous regimes." I would add to that that under regimes we would also include terrorist groups and others who might want to use WMD against us.

There's a great deal that's happened since September 11, since 2002, and even since January 2004. At the strategic level as in the strategic level guidance preventing hostile states and non-state actors from acquiring or using WMD is one of the four priorities for the DOD that were identified in the Quadrennial Defense Review (QDR) that was issued by Secretary Rumsfeld last month. I would add that it also supports and is an element of the other priorities which include defeating terrorists networks, defending the Homeland in depth, and shaping the choices of states at strategic crossroads. So all of these priority areas actually relate to and support each other.

This is the first time that a QDR has devoted so much attention to the threat of WMD. Also recently and at the strategic level the Chairman of the Joint Chiefs of Staff, General Pace, issued the first ever national military strategy to combat WMD on February 13, 2006, last month. Our strategic approach is to build on the so-called three pillars of combating WMD, and these were identified in the 2002 national strategy, and those are: nonproliferation, counterproliferation, and consequence management. We use those terms as follows:

Nonproliferation refers to actions to prevent the proliferation of WMD by dissuading or impeding access to, or distribution of, sensitive technologies, material, and expertise.

Counterproliferation refers to actions to defeat the threat and/or the use of WMD against the United States, against our Armed Forces, against our allies, or against our partners.

WMD consequence management refers to actions taken to mitigate the effects of a WMD attack or event and to restore essential operations and services at home or abroad.

The strategic framework and the more detailed functional requirements that flow to it is the Department's vehicle for dividing the broad combating WMD mission into eight specific and definable military activities that we can address with better focus in the budget, training, doctrine, and policy processes.

In addition to a new strategic framework we have also revised our organizational structure to better position us to combat WMD. On January 6, 2005, the Secretary of Defense designated STRATCOM, commanded by General Cartwright who is here with me today, as the DOD's lead for synchronizing and focusing combating WMD operational efforts in support of our combatant commanders. In this new role, STRATCOM supports the other combatant commanders as they execute combating WMD operations and General Cartwright and his team, including Dr. Jim Tegnalia, of the DTRA now are the advocates for developing mission requirements and shepherding them through the budget process. Those are mission requirements relating to combating WMD.

The first two mission requirements to be addressed in this manner are WMD elimination and interdiction, two areas where we need to increase our capabilities substantially. Those are two of the eight mission areas that were identified.

In addition, all DOD components were directed to realign themselves to improve execution of the combating WMD mission. Within the Office of the Secretary of Defense for Policy, the Under Secretary of Defense for Policy, for example, my own office, the Office of the Assistant Secretary for International Security Policy, is a near-single point of contact for policy support for the combating WMD mission, specifically covering seven of the eight mission areas. We continue to refine our organization within the Office of the Under Secretary for Policy.

While we pursue these strategic and organizational changes we continue to move ahead with day-to-day activities to combat WMD. Many of these activities were initiated around the time of the National Strategy to Combat WMD in 2002. Some actually were started earlier and many are entirely new or certainly things that were initiated in the last couple of years. The QDR groups these activities into preventive and responsive dimensions.

With respect to the preventive end of things, nonproliferation treaties and export control regimes have been and remain integral elements of our strategy for combating WMD. These include the Nuclear Nonproliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention, the Nuclear Suppliers Group, the Australia Group, the Wassenaar Arrangement, and the Missile Technology Control Regime. The DOD brings significant policy and technical expertise to bear on enforcement of these regimes including for a few examples within my office, our Office of Negotiations Policy, and the Defense Technology Security Administration. But while these regimes are an important first line of defense, not all countries are members of all regimes and many countries that are members of regimes cheat. WMD programs in countries like Iran and North Korea, for example, have highlighted the need for additional measures. One of those in particular is interdiction.

Interdiction is an essential component in our efforts to counter the proliferation activities of both suppliers and customers. Interdictions can raise the costs for proliferators, they can shine a bright light on their activities, they can also deter suppliers or potential suppliers from going into the proliferation business in the first place.

President Bush launched the Proliferation Security Initiative (PSI) in May 2003 to help U.S. interdiction efforts and to build the interdiction capacity of like-minded governments around the world. PSI partners, and now there are over 70 of them, define interdiction broadly to include military, law enforcement, intelligence, and diplomatic efforts to impede and stop proliferation shipments. This can involve sea, air, land, or what we call transmodal shipments, shipments that go from sea to air or land, to sea or whatever. Again, more than 70 countries have indicated support for the PSI and we continue to discuss the initiative with other potential supporters.

The DOD is responsible for leading the PSI Operational Experts Group process which is the main focus for the operational aspects of PSI. This is a group that brings together experts in military, intelligence, law enforcement, customs, and other fields and allows them to plan and conduct exercises to share expertise, for example, on how different country's legal regimes can be used to support counterproliferation activities. To date, we've had 19 PSI exercises with a number of countries involving a wide range of operational assets including air, maritime, and ground assets, and these have been hosted by a number of different PSI countries.

Another DOD program that supports the preventive dimension of combating WMD is the CTR program which Chairman Cornyn mentioned earlier. The subcommittee is familiar with the history and the details of CTR and we appreciate your support in the past. My prepared statement addresses in detail the CTR's record over the past year and some of the issues and challenges we see in the year ahead.

For now I'd like to highlight one of the activities, one of the CTR preventive activities in particular which is one in which the administration needs Congress' help in the short-term to help ensure success and I'm referring to the Nuclear Security Cooperation Initiative announced by Presidents Bush and Putin at the February 2005 G8 Summit in Bratislava. A key element of this initiative is to accelerate U.S. security work at Russian nuclear warhead storage sites to achieve completion by 2008. That would be 4 years ahead of the originally planned schedule. If we're successful in doing this and we certainly intend to be successful we'll be able to say by 2008 that we will have done all that we can to bring the security of Russia's nuclear weapons up to credible standards. This will be a significant achievement and we need your help to achieve this goal. Acceleration of the original schedule to 2008 requires additional funds for obligations during fiscal year 2006 and I would respectfully urge subcommittee members to support the administration's request for \$44.5 million in fiscal year 2006 supplemental appropriations for this project.

Mr. Chairman, if I could just quickly also address two of the specific issues you asked about in your statement, the Shchuch'ye

Project, and the question of using CTR funds to Libya. The Shchuch'ye Project is a large project in which we've invested a great deal of money to construct a chemical demilitarization plant. We've had a delay in the project that is going to set us back we think somewhat over a year. The one subcontractor that entered a bid to carry out some of the work inside the facilities of actually putting in some of the equipment submitted a bid that is way too high and both the U.S. Government and our main contractor on the contract agreed that the bid was too high. We've gone back, we have put the contract out for additional bids. We'll go through that process, we'll see what we emerge with, and see if we can't get a better offer on the table this time. I would emphasize for the committee's purposes that this means there will be a delay in the Shchuch'ye Project.

The other matter you raised was the question of Libya, what CTR might do to contribute to the destruction of Libyan chemical weapons. We had a team, I think it was a Department of State (DOS) DTRA team with members from the DOS and our DTRA that was in Libya in February. They have looked at the stocks involved, they have looked at the logistical and other issues involved, and we expect to get a report back from them with some options sometime next month and I'm sure we'll have the opportunity to discuss that further with the committee. That's the status on the couple of additional items that you raised.

Mr. Chairman, turning now to the responsive dimension of the combating WMD mission and what we have done to address the challenges here, the autumn 2005 program/budget review undertook a comprehensive look at combating WMD funding that was carried on through the QDR. Beginning with the 2006 budget submission, in fact, we added \$2 billion to the previous \$7.6 billion fiscal years 2006–2011 allocation for the Chemical Biological Defense Program. This increase in the Chem-Bio Defense Program funding represents a down payment towards reprioritization of and within the combating WMD mission. This process is not complete and we look forward to working with STRATCOM and with the committee as we proceed with these initiatives.

Another element of the responsive dimension is the establishment of an Army headquarters tasked to provide technically qualified chemical, biological, radiological, nuclear, and high-yield explosives (CBRNE) response forces to support geographic combatant commanders. The 20th Army Support Command has this job now which includes capabilities to quickly and systematically locate, seize, secure, disable, and safeguard an adversary's WMD program, including sites, laboratories, materials, associated scientists, and other personnel. The impetus for setting up this organization was the work that was done prior to the Iraq war to set up forces to deal with the WMD that we expected to find in Iraq. In fact, many of the elements of the current group actually did serve as part of the Iraq WMD effort.

Today this organization includes the Army's technical escort battalions as well as an Army explosive ordnance disposal (EOD) group. The headquarters of the 20th was activated in 2004. The next step for this unit will be to make the entire unit including the headquarters as deployable as its many operational components. As

it stands right now some of the headquarters is civilian so they cannot be deployed in the same way that the military components can be, but that's something we're in the process of changing.

Another element of the responsive dimension is to anticipate the continued evolution of WMD threats. As an example of how we're doing this, we are reallocating \$1.5 billion in Chem-Bio Defense Program funds to invest in broad-spectrum countermeasures against advance bioterror threats. Currently the approach has been somewhat shorthanded as the "one drug, one bug" approach whereby a particular vaccine or a particular remedy only worked against one particular pathogen. What we're trying to do now is develop broad-spectrum countermeasures that work against an entire class of threats.

We're also expanding our work with potential partner countries to improve response capabilities. In 2002, the DOD helped create a Chem-Bio Radiological Nuclear (CBRN) Defense Battalion for the North Atlantic Treaty Organization (NATO). Elements of this fully operational battalion were available just over a year later to support the 2004 Summer Olympics in Athens. This battalion has received personnel and capability support from 17 NATO nations to date. We continue to encourage strengthening the battalion's capabilities to help drive member nations to improve their own combating WMD capabilities as well as to improve the collective capabilities of the unit. This battalion will be a model for future collaboration as we expand our counterproliferation discussions with other nations.

In addition, we continue to develop bilateral discussions with international partners on counterproliferation issues ranging from policy and operational support to detailed technical cooperation. We have or we are establishing such bilateral working groups with a number of countries in Europe, the Middle East, and Asia that share our concern about and our desire to prepare for the WMD threat.

I would just add as a general point here, one of the key themes in the QDR is the idea of developing partnership capacity and both the initiatives that I just mentioned as well as a number of things that we are undertaking are designed to support that goal. We can't do everything. We shouldn't have to do everything, and in a number of cases arguably it's better if somebody else does it. So the idea of developing capabilities and developing capabilities of partner nations is something that runs throughout our entire approach here.

Senator CORNYN. Secretary Flory, you are providing the committee a lot of very good information but in the interest of getting to the other witnesses if you wouldn't mind summing up and then, of course, we'll come back with some questions and answers.

Mr. FLORY. Mr. Chairman, I can sum up very briefly and simply say we understand at the DOD that combating the threat of WMD in a complex and uncertain world while it continues to surprise us and often in unpleasant manners, requires a new approach. This approach is reflected in our strategic guidance, in our realigned operational structure, and in the way we carry out our day-to-day activities. Our commitment to success is absolute. Failure is not an



option. I look forward to having the opportunity later to answer your questions. Thank you.

[The prepared statement of Mr. Flory follows:]

PREPARED STATEMENT BY HON. PETER C.W. FLORY

Chairman Cornyn, Senator Reed, members of the subcommittee, it is an honor to have the opportunity to appear before you to describe the Department of Defense's (DOD) efforts to combat proliferation of weapons of mass destruction (WMD). My goal today is to share with you many of the Department's new approaches to stopping the proliferation of WMD, preventing its use, and enabling our warfighters to accomplish their missions in a WMD environment if necessary.

Since December 2002, when the President set forth the National Strategy to Combat Weapons of Mass Destruction, the Department has taken a number of measures to enable us better to carry out this mission. At the same time, while adapting at the strategic level, we have been carrying out the day-to-day activities—some ongoing, some new, such as the Proliferation Security Initiative (PSI)—to implement our policies in the face of the global WMD challenge.

STRATEGIC GUIDANCE

At the strategic level, preventing hostile states and non-state actors from acquiring or using WMD is one of the four priorities for the Department identified in the Quadrennial Defense Review (QDR). This is the first time a QDR has devoted such attention to the threat of WMD.

Also at the strategic level, the Chairman of the Joint Chiefs of Staff on February 13, 2006, issued the first-ever National Military Strategy to Combat Weapons of Mass Destruction. This strategy builds on the three-pillar structure of the 2002 National Strategy to Combat WMD: nonproliferation, counterproliferation, and consequence management. As defined in the National Military Strategy to Combat WMD, these pillars are:

- Nonproliferation: actions to prevent the proliferation of weapons of mass destruction by dissuading or impeding access to, or distribution of, sensitive technologies, material, and expertise.
- Counterproliferation: actions to defeat the threat and/or use of WMD against the United States, U.S. Armed Forces, its allies, and partners.
- WMD Consequence Management: actions taken to mitigate the effects of WMD attack or event and restore essential operations and services at home and abroad.

At the next level, the National Military Strategy to Combat WMD identifies eight military mission areas that support the pillars in the National Strategy: offensive operations, elimination operations, interdiction operations, active defense, passive defense, WMD consequence management, security cooperation and partner activities, and threat reduction cooperation. This new strategic framework is the Department's vehicle for dividing the broad "combating WMD" mission into specific, definable military activities that we can address with better focus in the budget, training, doctrine, and policy processes.

ORGANIZING FOR THE COMBATING WMD MISSION

On January 6, 2005, the Secretary of Defense designated the United States Strategic Command (STRATCOM)—commanded by General Cartwright, here today—as the Department's lead for synchronizing and focusing combating WMD operational efforts in support of our combatant commanders. In this new role, STRATCOM supports other combatant commanders as they execute combating WMD operations. General Cartwright and his team now are designated to serve as advocates for developing combating WMD mission requirements and shepherding them through the budget process. STRATCOM's initial assignment is to focus on two of the missions assigned by the National Military Strategy to Combat WMD: elimination and interdiction.

Also, in the nature of organizational change, all DOD components have been directed to realign themselves to improve execution of the combating WMD mission. Within the organization of the Office of the Under Secretary of Defense for Policy, for example, offices have been realigned over the past 6 months to create in my office, the Office of the Assistant Secretary of Defense for International Security Policy, a near-single point of contact for policy support of the combating WMD mission. Within my office, in August 2005 the Deputy Assistant Secretary of Defense for Negotiations Policy—already responsible for interdiction and related WMD non-

proliferation activities—was assigned responsibility for the Offices of Counterproliferation Policy and Cooperative Threat Reduction. The Deputy Assistant Secretary of Defense for Forces Policy, also within my office, is responsible for active defense and offensive operations. This organizational shift thus brought policy responsibility for seven of the National Military Strategy to Combat WMD's eight functional areas—offensive operations, elimination operations, interdiction operations, active defense, passive defense, security cooperation and partner activities, and threat reduction cooperation—under a single policy point of contact. Organizing Policy's oversight of consequence management capabilities is something we are still working on.

Our approach builds on the 2002 National Strategy to Combat Weapons of Mass Destruction, and, more recently, the 2006 National Security Strategy. Our goal was well summed up by President Bush in his January 20, 2004, State of the Union address, "America is committed to keeping the world's most dangerous weapons out of the hands of the most dangerous regimes." To fulfill the President's commitment, the QDR directs that "national efforts to counter the threat posed by WMD must incorporate both preventive and responsive dimensions."

Again, while we are pursuing the strategic and organizational changes I described above, we are already moving ahead on a day-to-day basis in activities to combat WMD. Many of these activities were initiated around the time the National Strategy to Combat WMD was adopted. Some were started even earlier. Many are entirely new.

#### PREVENTIVE DIMENSION OF COMBATING WMD

##### *The Toolkit for Preventive Activities*

Nonproliferation treaties and export control regimes have been for decades an integral element of our strategy for combating WMD. These treaties and regimes include the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention, the Nuclear Suppliers Group, the Australia Group, the Wassenaar Arrangement and the Missile Technology Control Regime. DOD brings significant policy and technical expertise to bear toward enforcement of these regimes through the Office of Negotiations Policy and the Defense Technology Security Administration.

##### *Interdiction*

While these regimes are a first line of defense, not all countries are members of all regimes, and many countries that are members cheat. WMD programs in countries like Iran and North Korea have highlighted the need for additional measures such as interdiction. The December 2002 U.S. National Strategy to Combat WMD called for enhanced interdiction to curtail proliferation of WMD. Interdiction is an essential component in our efforts to counter the proliferation activities of both suppliers and customers. Interdictions raise the costs for proliferators, but also can deter some suppliers from even getting in the business of proliferation.

##### *Efforts to Improve Interdiction Capabilities*

As part of this effort, DOD has taken steps to strengthen U.S. military capabilities to support interdiction. For example:

- **Interdiction Simulation.** In October 2005, the Naval War College organized the first government-wide, classified gaming exercise for all U.S. agencies involved in interdiction. This simulation involved senior officials and a broad spectrum of operational/technical experts. The goal was to improve our ability to create and exploit interdiction opportunities by: (1) developing new operational concepts; and (2) strengthening relationships across the government.
- **Integration of U.S. Military Capabilities.** In January 2005, STRATCOM was tasked with integrating DOD efforts to combat WMD. Interdiction was identified as a top priority (along with WMD elimination). In this new role, STRATCOM will be able to: advocate development of capabilities supporting WMD-related interdiction; develop operational concepts and doctrine; synchronize intelligence; identify resource requirements; and coordinate strategic planning. Military departments and other combatant commands were tasked to support STRATCOM's efforts.
- **Naval Assets.** The U.S. Navy has improved shipboarding and cargo assessment. In 2005, the Navy validated its new Visit Board Search and Seizure (VBSS) team capability. VBSS teams are assigned to every large deployed U.S. naval formation. The Navy has also been testing a virtual, open-source database to provide ship-boarding teams with visual cues (pho-

tographs and descriptions of WMD-related materials) during examinations of personnel, manifests, and cargo.

- DOD Intelligence Organizations. The Defense Intelligence Agency (DIA) established a new division for interdiction support to DOD policymakers. This division is integrating databases around the Intelligence Community for tracking individuals, organizations and means of transport for items of proliferation concern. In October 2005, the Office of Naval Intelligence (ONI) was directed to lead development of cross-government, global maritime intelligence integration to support national maritime security requirements to include interdiction. The goal is strategic-to-tactical, time-sensitive maritime intelligence for policymakers around the clock: targeting support analysis, strategic indications and warning analysis, and real time information sharing.

These are some specific examples of interdiction-related work undertaken since 2002, and expansion of the relationships essential for building capabilities.

#### *The Proliferation Security Initiative (PSI)*

In addition to U.S. domestic efforts, we have worked closely with other governments since President Bush launched the PSI in May 2003. The PSI has been a forum for the United States and other countries to collaborate on how we will work together to interdict WMD-related shipments bound to and from states of concern, and to build national capabilities so that like-minded nations collectively have a more robust arsenal of WMD interdiction tools.

PSI partners define interdiction broadly to include military, law enforcement, intelligence, and diplomatic efforts to impede and stop proliferation-related shipments, and it can involve sea, air, land, or trans-modal shipments. Today more than 70 countries have indicated support for the PSI, and we continue to discuss the initiative with key states where proliferators may operate.

#### *PSI Builds National Capabilities*

PSI partners are working together in the PSI operational experts group (OEG) to improve their national interdiction capabilities. The OEG is an expanding network of military, law enforcement, intelligence, legal, and diplomatic experts. They develop new operational concepts for interdiction, organize a program of interdiction exercises, share information about national legal authorities, and pursue cooperation with industry sectors that can be helpful to the interdiction mission. Through these efforts, OEG participants raise the level of collective and national interdiction capabilities. The November 2005 OEG meeting was the first regionally focused OEG meeting and provided a venue for all European PSI participants to develop national and regional capabilities. The United States will host the next OEG meeting in April 2006, which for the first time will involve a South American participant, Argentina.

DOD is responsible for leading the OEG process, the locus of operational aspects of PSI. To date, 19 PSI exercises involving a wide range of operational assets have been held. These have included air, maritime, and ground assets and have been hosted by a range of countries. Table-top games and simulations in particular have helped participants work through interdiction scenarios, and have, in many cases, improved the way participating governments organize to conduct interdictions. We need to ensure DOD assigns the resources needed to continue playing a leadership role in PSI operational activities and working with our PSI partners.

#### *Cooperative Threat Reduction*

Mr. Chairman, the subcommittee is already familiar with the history and details of the Cooperative Threat Reduction (CTR) program. CTR supports another two of the mission areas identified by the National Military Strategy to Combat WMD: threat reduction cooperation, and security cooperation/partner activities. The program continues to help eliminate WMD material and enhance security for WMD, particularly the legacy WMD of the former Soviet Union. I would like to focus my testimony on recent developments in CTR, as well as priorities for the year ahead. A detailed explanation of the President's fiscal year 2007 budget request for the CTR program is appended to this statement.

The administration is requesting \$372.1 million for CTR activities in fiscal year 2007. The decrease from fiscal year 2006 (\$409.2 million) results from decreasing requirements for the nerve agent elimination project at Shchuch'ye, Russia. We expect CTR budget requests to rise again in future years, as other projects replace currently ongoing and completing projects.

Fiscal years 2005 and 2006-to-date saw continued progress for CTR. This was the case both with respect to CTR's substantive mission, as well as with respect to the

revised business practices implemented after problems arose several years ago. These new practices extended to both policy and implementation. They included changes in personnel, application of DOD acquisition processes, extensive reviews by the DOD Inspector General and Government Accountability Office, conversion of informal understandings to binding legal agreements, and establishment of a formal “executive review” process, in which implementation and policy experts review all aspects of major projects semi-annually with their Russian counterparts.

In this timeframe, CTR continued its WMD infrastructure elimination work in Russia, destroying 42 intercontinental missiles, and continued work on the new mobile missile project that eliminates SS-24/25 missiles, as well as their rail- or road-mobile launchers. CTR also continued work on the Chemical Weapons Destruction Facility at Shchuch’ye. The Shchuch’ye facility will provide Russia a capability to eliminate some 2.1 million artillery shells and rockets loaded with nerve agent—one of Russia’s most dangerous chemical agents weaponized in the most proliferable form. At Shchuch’ye, both the Russian-built and CTR-built main chemical weapons elimination buildings stand near completion, ready to be outfitted internally with chemical handling and neutralization equipment. Regrettably, the state-owned subcontractor we had hoped would complete the CTR-funded main processing building submitted an exorbitant bid for this work and has refused to budge. The result may be up to a 14-month delay in completion of the facility, now targeted for late 2008, with potential additional costs that cannot be predicted with accuracy at this point. The U.S. commitment to Shchuch’ye remains unchanged, and support from international partners continues to be excellent.

Also in Russia, CTR has continued its assistance to improve the security of nuclear warheads in storage. With the President’s Bratislava Nuclear Security Cooperation Initiative, we are poised to complete our security work at Russian nuclear warhead storage sites by 2008. This effort is an acceleration of work that was already underway through CTR and a related DOE program, but was not programmed for completion before 2011. What was achieved at Bratislava was Russian agreement to supply information promptly on all warhead sites where Moscow felt U.S. assistance would be necessary. Russia met that commitment by providing detailed information in June 2005 that allowed U.S. agencies and the Russian government to agree on an accelerated schedule to upgrade security at select sites by 2008.

Let me be clear: the U.S. is not enhancing security of warheads attached to operational nuclear delivery systems; rather, we are supporting Russia in its responsibility to secure its extensive warhead inventory across its vast and often remote array of storage facilities. The U.S. will be able to say by 2008 that we have done all we can to bring security of Russia’s nuclear weapons up to credible standards. That will be a significant achievement. We will need Congress to help in this endeavor. Acceleration of the original schedule from a 2011 completion target to 2008 requires that additional funds be obligated during fiscal year 2006. I urge subcommittee members to support the administration’s request for \$44.5 million in fiscal year 2006 supplemental appropriations for this CTR project.

The past year has also seen success in implementation of CTR’s “Threat Agent Detection and Response” (TADR) project. TADR is being implemented in Central Asian and Caucasus states. It is a web-based disease surveillance network that replaces the Soviet system of maintaining libraries of dangerous pathogens in unsecured locations. Under TADR, CTR consolidates these dangerous pathogen strains in a Central Reference Laboratory which will have the ability to characterize and securely store the sample. The U.S. receives samples of each strain. The result is a capability to determine whether a disease outbreak is naturally occurring or a potential bio-terror event. TADR-supplied equipment and training already in place have been used to identify Avian Influenza. In 2005, we signed agreements on TADR assistance with Azerbaijan and with Ukraine. This complements agreements already in place with Georgia, Uzbekistan, and Kazakhstan. The TADR project has been a key initiative for this administration and we believe it helps meet a significant, unfilled requirement for the U.S. to stay abreast of the global bio-terror threat.

During the past year, CTR also saw continued progress in its WMD border security project, known as the WMD-Proliferation Prevention Initiative (PPI). PPI was conceived at the outset of this administration, and implemented after the September 11 attacks. This initiative takes CTR in a fundamentally new direction. Previously, CTR dealt with WMD at its source—a CTR mission that will be essential for as long as governments identify stocks of WMD, delivery systems, and related infrastructure and request U.S. help in eliminating them.

However, September 11 highlighted the need to look beyond “WMD-in-place” and address the threat of “WMD-on-the-move.” PPI focuses on willing countries that lack resources—in the case of PPI, the resources to build detection/interdiction capabilities on their own. PPI is now at work in Ukraine, Uzbekistan, and Azerbaijan. We

recently expanded activities in Ukraine, and signed key legal agreements with Kazakhstan to allow us to begin PPI projects with that country. We are focusing on Central Asian countries because of their proximity to Russia in order to create a WMD “safety net.” We are not merely supplying equipment through PPI, but are working with the combatant commands to provide training, doctrine and tactics for that equipment.

We have appreciated the continued interest of Armed Services staff in PPI and WMD border security. PPI’s approach has prompted questions about whether it should be viewed as traditional security assistance. In our view, since PPI is linked specifically to WMD nonproliferation—CTR’s core goal as reflected in the original CTR legislation—it is eligible for funding under CTR. We will continue to work with Congress to ensure PPI continues to meet the legislation requirements. We believe WMD border security is an important element of the CTR mission, and will continue to provide opportunities to help other countries improve their ability to secure their borders against the spread of WMD.

One reason for congressional concern about CTR’s WMD border security work has been the sheer scope of U.S. international border security activities, and the need to enhance coordination of these border security programs. We can report that, as of January 2006, all international border security assistance related to nuclear detection activities is governed by guidelines promulgated and administered by the NSC’s Proliferation Strategy Policy Coordinating Committee. These guidelines will be expanded to include a process whereby all types of U.S. international border security assistance, from proliferation prevention to counternarcotics, will be synchronized and deconflicted as well at the Washington level, as they are currently in the field.

Finally, I can report that in May 2005, DOD took the initiative to extend the CTR program’s legal framework with Russia—over 1 year ahead of expiration. We took this step to avoid a disruption of CTR’s important work such as occurred 7 years ago, the last time the framework required extension. We are pleased to report that Russia has accepted U.S. terms for extension of this framework and we believe we will be able to conclude negotiations well before the June 2006 deadline. This will allow CTR’s important work to secure and eliminate WMD and related infrastructure in Russia to continue uninterrupted.

#### RESPONSIVE DIMENSION OF COMBATING WMD

##### *Day-to-Day Changes: Investing for the Future*

Revising our strategies, restructuring our organizations, and changing our daily activities will not have lasting impact without adequate funding of corresponding capabilities, technologies and mission areas. The autumn 2005 program/budget review undertook a comprehensive review of combating WMD funding which was carried through the QDR. Beginning with the fiscal year 2006 budget submission, we added \$2 billion to a \$7.6 billion fiscal year 2006–2011 FYDP for the Chemical Biological Defense Program (CBDP). We continue to seek opportunities to realign resources for the combating WMD mission; and two key priorities, under STRATCOM’s leadership, will be military requirements for the elimination and interdiction missions. The \$2 billion increase in chem-bio defense program funding represents a down payment toward reprioritization of the combating WMD mission. However, this process is not complete and we look forward to working with STRATCOM on improving definition of the requirements.

##### *Day-to-Day Changes: Joint Task Force for Elimination*

One of the earliest lessons learned from our military operations in Iraq was that DOD needed a well organized, well trained force to be able to quickly and systematically locate, seize, secure, disable and safeguard an adversary’s WMD program, including sites, laboratories, materials, and associated scientists and other personnel.

The Army’s 20th Support Command, located north of Baltimore at the Edgewood Area of Aberdeen Proving Ground, was stood up as an Army headquarters tasked to provide technically qualified Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives response forces to support geographic combatant commanders. This unique organization includes the Army’s Technical Escort Battalions as well as an Army Explosive Ordnance Disposal Group. While the 20th was not established until after Operation Iraqi Freedom, many of its units participated in the search for WMD in Iraq.

The 20th Headquarters was activated in 2004. However, while the military units assigned to this headquarters are deployable, the headquarters itself cannot deploy today since nearly two-thirds of the staff is composed of government civilians or contractors. In the QDR process, DOD leadership approved a proposal to assign 20th

Support Command the task of becoming a deployable headquarters that could command and control these types of operations.

Establishing a joint task force for elimination is a key element of the Department's vision, as articulated by the QDR, to deal with all aspects of the threat posed by WMD.

*Day-to-Day Changes: Biodefense Initiative*

Another key conclusion of the QDR was that the Department should focus on new defensive capabilities in anticipation of the continued evolution of WMD threats. In response, DOD has decided to reallocate funding within the Chem-Bio Defense program to invest over \$1.5 billion over the next 5 years to develop broad-spectrum countermeasures against advanced bio-terror threats. For example, rather than continuing the traditional approach to developing countermeasures—which in effect results in “one drug, one bug”—DOD will conduct research to develop drugs that could each counter many pathogens. For example, we are going to conduct research to develop a single vaccine to counter all types of viral hemorrhagic fevers (like Ebola and Marburg) as well as a single vaccine for all “intracellular” pathogens, like the Plague.

While supporting our combating WMD effort, these initiatives also benefit our forces who may well be ordered to deploy to places where these fevers pose a risk. Having one drug that could counter many bugs would improve military effectiveness by getting forces into the theater more quickly.

*Day-to-Day Changes: Building Partner Capacity*

More than ever before, we need partners to be prepared for operations with us in a CBRN world. In 2002, the Department proposed creation of a CBRN Defense Battalion for NATO. This U.S. concept was endorsed by NATO defense ministers during the 2002 Prague Summit, and elements of a fully operational CBRN Defense Battalion supported the 2004 Summer Olympics just over 1 year later. The battalion includes a CBRN joint assessment team and mobile chemical, biological and radiological laboratories; it has received personnel and capability support from 17 NATO nations to date. The concept for the Battalion and the way it was quickly institutionalized were unprecedented at NATO. We continue to encourage strengthening of the Battalion's capabilities to help drive member nations to improve their own combating WMD capabilities. The Battalion will be a model for future collaboration as we expand our counterproliferation discussions with other nations.

In addition, we continue to develop bilateral discussions with international partners on counterproliferation issues ranging from policy and operational support to detailed technical cooperation. We have or are establishing such bilateral working groups with countries from Europe, the Middle East, and Asia that share our desire to prepare for defense against the WMD threat.

One goal of the bilateral working groups we establish is to ensure that U.S. and potential coalition partners can execute combined operations in a WMD environment. The challenge of interoperability is significant even in a “mere” conventional warfighting environment. However, a WMD situation raises many additional issues. For example, if our combat or transport aircraft are returning from an area where WMD has been employed, we need to know in advance what decontamination our allies will require in order to ensure ready access to important way stations and forward depots. Similar problems relate to the decontamination of forces—including potentially wounded personnel—who will require immediate evacuation and attention. We have launched discussions with our NATO allies as well as several key potential coalition partners on these and other issues we believe need to be resolved for combined operations in a WMD environment.

Building partner capacity takes many forms and can include building legal capacities. In 2005, Navy, Joint Staff, General Counsel, and Office of the Secretary of Defense-Policy representatives completed 3 years of activity to expand legal authority against maritime trafficking in WMD, and helped secure adoption of amendments to the Convention on Suppression of Unlawful Acts at Sea Against the Safety of Maritime Navigation establishing the first international criminal standard against shipment of WMD as well as a comprehensive boarding regime. Once the amendment enters into force after ratification by 12 member-states, we will have a new vehicle to prosecute violators and press for greater vigilance against trafficking in WMD.

CONCLUSION

Mr. Chairman, the DOD understands that combating the spread of WMD in a complex and uncertain world requires a new approach. This new approach is reflected in our new strategic guidance, realigned organizational structure, and in

changes in our day-to-day activities. We view this as part of the Department's larger, long-term transformation to better ensure U.S. security against future threats. Our commitment to success in this endeavor is absolute. Failure is not an option. Congress is an essential partner in this fight, and we look forward to continuing our work together. Thank you again for the opportunity to testify.

## Annex

### FY2007 Cooperative Threat Reduction (CTR) Program Budget Request

**FY 2007 Total: \$372.1 million<sup>1</sup>**

**Russia.** The United States would like to see Russia become a full partner in the Global War on Terrorism and in combating WMD proliferation; comply fully with its arms control and nonproliferation obligations; and safely and securely store its nuclear weapons, fissile material and dangerous pathogens. As parts of this vision, which CTR may help realize, are met, CTR funding for Russia will decrease.

The FY 2007 budget request for Strategic Offensive Arms Elimination (SOAE) is \$77.0 million. SOAE assists Russia in eliminating strategic delivery systems and infrastructure. SOAE assistance is framed as an incentive for Russia to draw down its former Soviet nuclear forces. The larger project area under SOAE relates to solid propellant ICBM/SLBM and mobile launcher elimination, where \$55.3 million is requested for FY 2007. Most of the remainder is programmed for elimination of SS-18 and SS-19 ICBMs and launchers.

The Nuclear Weapons Storage Security program assists Russia in enhancing storage security for nuclear warheads. The FY 2007 request is \$87.1 million. These funds will complete the security enhancements to the remaining Ministry of Defense (MOD) nuclear weapons storage sites and temporary transshipment points for movement of deactivated warheads.

For the Nuclear Weapons Transportation Security program, we have requested \$33.0 million. This program provides safe and secure transport of nuclear warheads from deployed sites to dismantlement or enhanced security storage sites, assists in maintaining MOD's current fleet of aging railcars, and procures 16 railcars for transporting warheads. Russia has agreed to destroy two warhead transport railcars at its own expense in exchange for each new railcar CTR provides.

CTR Biological Weapons Proliferation Prevention (BWPP) efforts in Russia are limited by current policies in Russia and access to locations believed to have dangerous pathogens. The FY 2007 budget request is \$5.2 million. This supports planned cooperative research projects to improve vaccines and identify better anti-viral medications.

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<sup>1</sup> \$372.1 million includes \$8.0 million for the Defense and Military Contact program and the \$18.5 million for Other Assessments/Administrative Costs, which are not discussed in this annex.

The budget request for the Chemical Weapons Destruction (CWD) program is \$42.7 million. This is the estimated amount necessary to complete and turn over the Shchuchyé Chemical Weapons Destruction Facility (CWDF) to Russia for CW elimination operations. The CWDF is being built to destroy nerve agent-filled, man-portable, artillery and missile warheads. This facility, which includes a second processing building built with Russian and other international donor funding, will be able to destroy 1700 metric tons of nerve agent per year.

**Non-Russian FSU States.** As with Russia, the vision for CTR assistance in the other FSU states is tempered by a mixed record of responsiveness and ability to absorb assistance. That said, robust programs to combat bio-terrorism and prevent WMD proliferation are underway in several countries. DoD has focused its efforts on countries that have US military personnel located in the country.

The budget request for the Biological Weapons Proliferation Prevention (BWPP) program is for \$63.2 million. DoD is assisting Georgia, Kazakhstan, Uzbekistan, Azerbaijan, and Ukraine to develop a systematic capability to prevent proliferation of biological weapons related technology, pathogens, and expertise and rapidly detection and diagnose any disease outbreaks of especially dangerous pathogens. Linked to this are tailored cooperative biological research (CBR) projects to identify the locations of dangerous indigenous pathogens in each country and the means by which they are transmitted. We are working with the countries to obtain copies of the strains of the indigenous pathogens so the best reagents for rapid diagnosis are made available. The following describes the threat reduction and proliferation prevention activities that will be accomplished with the FY 2007 funds:

- Georgia: Continue to construct the central reference laboratory that will secure all dangerous pathogens and provide a capability to characterize pathogens and validate diagnoses. The pathogen repositories (one for human and one for veterinarian pathogens) and an accompanying small suite of laboratory space will be built to bio-safety level three standards.
- Uzbekistan: Continue to construct epidemiological monitoring stations and provide training for personnel to rapidly respond to and diagnose disease outbreaks. Continue CBR projects.
- Kazakhstan: Continue to construct epidemiological monitoring stations and provide training for personnel to rapidly respond to and diagnose disease outbreaks. Begin adapting design of Central Reference Laboratory for site conditions. Continue CBR projects.
- Azerbaijan: Initiate site selection for epidemiological monitoring stations and provide training for personnel to respond and rapidly diagnose disease outbreaks.



Continue to provide training for personnel to rapidly respond to and diagnose disease outbreaks and CBR projects.

- Ukraine: Continue to provide diagnostic and epidemiological equipment and training to rapidly respond to and diagnose disease outbreaks. Commence CBR projects.

The budget request for the Weapons of Mass Destruction Proliferation Prevention Initiative (WMD-PPI) is \$37.5 million which will be used to enhance the capabilities of the *non-Russian* FSU states to prevent, deter, detect and interdict illicit trafficking in WMD and related materials. In implementing the WMD-PPI, DoD has developed projects designed to produce comprehensive operational capabilities based on the interagency approved US strategic plan and country/regional requirements.

The following describes the WMD proliferation prevention activities that will be accomplished with the FY 2007 funds:

- Azerbaijan and Kazakhstan Caspian Sea Maritime Project: Continue to emplace a radar surveillance capability for the Caspian Sea between Azerbaijan and Kazakhstan. Continue to link the radars to the control center in each country. Evolve the concept of operations to define roles and missions for the coast guard and navy in each country. Refurbish additional coast guard ships in Azerbaijan.
- Ukraine Land Border and Black Sea Maritime Projects: Continue to enhance WMD detection and interdiction capabilities along the Ukraine's border with Moldova. Improve interdiction capability on the Black Sea.
- Uzbekistan Land Border Project: Complete installation of fissile material portal monitors at key border crossings in Uzbekistan to detect illicit trafficking in nuclear materials and purchase equipment to enhance surveillance and response capabilities for land borders between ports of entry.

Senator CORNYN. Thank you very much. General Cartwright, we'd be glad to hear your opening statement.

**STATEMENT OF GEN. JAMES CARTWRIGHT, USMC,  
COMMANDER, UNITED STATES STRATEGIC COMMAND**

General CARTWRIGHT. Thank you, Mr. Chairman. I think most of it has been covered and I'll just hit on a couple of questions that you brought up in your initial statement just to make sure we have that as a starting point. The threat really has been covered, the pillars, the national, and the military strategies here.

In January 2005, STRATCOM was assigned the mission of synchronizing and integrating all of the mission areas that heretofore had been spread across the Department. So we see ourselves in a position of advocating for the doctrine, the organization, the material solutions, the tactics, techniques, and procedures that will serve and benefit the regional combatant commanders.

In August 2005, the DTRA was assigned as our lead combat support agency and what they brought to the table for us was the technical expertise. They are recognized within the DOD as having the technical expertise and the relationships across the government to

allow us to effect this mission area in a way that we need to do it.

In the January timeframe of this year, 2006, we stood up the initial operating capability of what we call the Center for Combating Weapons of Mass Destruction. STRATCOM is organized with joint functional components but given that the DTRA is in fact an agency rather than a military organization and has a director as its head versus a commander, we chose to call this a center to clearly identify the fact that it was led by a civilian. We have assigned to that organization a flag officer who gets up every day worrying about what it is that we need to do to bring closer the military capabilities and the technical expertise that DTRA brings to the table. So there is a core element inside of DTRA at their headquarters in Fort Belvoir in Virginia that is assigned to bring closer together that technical expertise that resides there and the operational planning and execution functions that we're going to have to carry out in this mission area across all three pillars.

We also, as was discussed here in the opening statement, have a joint task force (JTF) for elimination that we are standing up with the 20th Support Group of the Army; a major effort and a major capability need that we have to get going and get going quickly. We're in the functional need assessment phase of standing that organization up to make it deployable, make it responsive to the combatant commanders. The objective here is to give the regional combatant commanders the capability all the way from what we call Phase Zero which is the engagement activities within the theater through combat operations and, if necessary, through the consequence management of the clean-up of activities at the end of a conflict. To have one coherent organization looking across all those phases in support of the regional combatant commanders is where we want to end up.

We intend to get there and get there as quickly as we can. The next major milestone for us is at the end of this year to have that component, that JTF for elimination, up and running with a needs assessment and understanding of the requirements, resources both in manpower and dollars that are going to be necessary and the authorities for the organization to be effective. I'll leave it at that and open to your questions, Mr. Chairman.

[The prepared statement of General Cartwright follows:]

PREPARED STATEMENT BY GEN. JAMES E. CARTWRIGHT, USMC

Mr. Chairman and members of the subcommittee: Thank you for this opportunity to review U.S. Strategic Command's (STRATCOM) progress during the past year and to present our plan for the future. I will discuss the Quadrennial Defense Review (QDR) role in validating and updating our transformational approach, and request your continued support for specific actions necessary to ensure our strategic capabilities are correctly postured to meet the challenges of today and tomorrow. 2006 is a year of unprecedented change. Our ultimate goals are driving the pace of change: building strategic advantage, ensuring the security of the American people and strengthening the community of free nations.

ADAPTING TO THE NEW ENVIRONMENT—TRANSFORMING WHILE WE FIGHT

One year ago, we spoke of global interdependence and its impact on how we organize, plan, and operate. We emphasized developing strong links between U.S. strategic objectives and regional operations, as our adversaries were employing asymmetric means to strike well beyond the battlefields of Iraq and Afghanistan. We also spoke of STRATCOM's new mission assignments and the steps we had undertaken

to transform our command into an agile 21st century organization capable of deterring our adversaries and bringing the full range of global strike, defensive, command and control (C<sup>2</sup>), and intelligence, surveillance, and reconnaissance (ISR) capabilities to bear against them if necessary. We outlined an enormous transformational effort that had to be accomplished in the context of an ongoing global conflict with active combat operations and without the luxury of an operational pause.

Throughout the last year, the men and women of STRATCOM have engaged in that global conflict, often employing means not visible either to the average American or to our adversaries. They met this day-to-day challenge with professionalism and commitment while they were also restructuring our organization to focus our efforts, conserve our resources, and streamline support to other combatant commanders around the world. I come to you today gratified by the progress these fine men and women have made and energized to complete the task before us.

#### STRATCOM TRANSFORMATION VECTORS

The Department of Defense (DOD) budget you enacted for 2006 enabled a string of organizational and operational successes along all of our transformation vectors.

We changed the way we are organized and operate. We implemented, and by the end of 2006, will refine the redistributed and functionally aligned command structure described last year. This new structure is already paying off in terms of decentralized operational employment and increased operational speed. Our efforts resulted in:

- A flattened, streamlined, and focused headquarters staff charged with maintaining command and control of the Nation's nuclear forces, providing strategic guidance and advocacy for essential mission capabilities, and conducting integrated and synchronized strategic-level planning necessary for mission accomplishment in all mission areas.
- Four interdependent Joint Functional Component Commands: ISR; Network-Warfare; Integrated Missile Defense; and Space and Global Strike. Day-to-day operational planning and execution of specialized global capabilities now reside at the component level, where commanders are able to maintain focus on their primary mission and not be distracted by staff support activities.
- Integrated Information Operations (IO) support through the Joint Information Operations Center (JIOC). The JIOC is the focal point for all operational and tactical IO planning support to DOD users around the globe.
- Improved security for DOD information systems through the aggressive efforts of Joint Task Force—Global Network Operations (JTF—GNO). JTF—GNO instituted stringent use controls and trained system users to reduce vulnerabilities.
- A collaborative, Joint Space Operations Center (JSpOC), to deliver select DOD space capability to U.S., allied, and other national users. When fully operational, JSpOC will provide the full range of DOD space capabilities.
- A new STRATCOM Center for Combating Weapons of Mass Destruction and a new Global Innovation and Strategy Center that recently completed their formative processes, joining the fight with specialized technical skills and solutions to unique mission challenges.

By making this unique organizational transformation we also strengthened our operational relationships with the Defense Intelligence Agency, Defense Threat Reduction Agency, Defense Information Systems Agency, and National Security Agency in order to leverage the tremendous resources and capabilities resident in these organizations. Now we effectively bridge many artificial barriers to communications and information sharing, and bring enhanced combat power to the regional combatant commanders.

#### *We made progress in our drive toward a New Triad of capabilities*

The New Triad is comprised of offensive and defensive capabilities enabled by persistent global C<sup>2</sup>, intelligence, an agile planning system, and a responsive defense infrastructure. The New Triad provides improved flexibility in dealing with a wider range of contingencies, while reducing our dependence on nuclear weapons, in order to assure our allies, dissuade competitors, and deter those who plan to harm us, particularly with weapons of mass destruction (WMD).

Efforts to improve conventional global strike capability focused on generating effects without being hindered by factors of time, distance, basing rights, overflight considerations, or undue risk to American service men and women. Recently the Department:

- Bolstered the number of Joint Direct Attack Munitions in the inventory, providing all weather, precision strike in a smaller weapon footprint.
- Fielded Tactical Tomahawk and the Joint Air-to-Surface Standoff Missile, providing strike weapons that operate from ranges outside enemy point defenses.

During the past year nonkinetic capabilities became an increasingly important tool to deny our adversaries the opportunity to communicate easily or to manipulate information in ways that further their efforts to undermine stability around the world. We seek better nonkinetic capabilities to improve our freedom of action at the lowest level of conflict; to enhance deterrence; and support the sustained ability to use our networks while denying the adversary a similar capability. In this area we:

- Expanded development of the applicable tactics, techniques, and procedures to support use of information and networks—cyberspace—as an environment for integrated exploitation, offensive, and defensive operations.
- Improved integration of nonkinetic effects into operational planning, on a limited basis, in support of forces involved in the global war on terrorism.

The President has committed the United States to sustaining a credible nuclear deterrence capability with the lowest possible number of nuclear weapons consistent with national security. STRATCOM's task is to ensure our nuclear force remains ready to meet any contingency while the nuclear stockpile remains safe, secure, and reliable as we prudently achieve the thresholds specified in the Moscow Treaty. To this end we:

- Sustained a safe and reliable nuclear stockpile in cooperation with the national laboratories and the National Nuclear Security Administration.
- Took steps to improve the security and safety of the deployed nuclear force.
- Retired the last Peacekeeper Intercontinental Ballistic Missiles (ICBM) from service.
- Reduced the number of operationally deployed strategic nuclear warheads on the Minuteman III ICBM force.
- Transferred the final ballistic missile submarine scheduled for reconfiguration to carry conventionally armed cruise missiles.

We continued pursuit of both active and passive defenses as a means of deterring our adversaries by demonstrating our ability to deny their attempts to coerce or harm the United States. During 2006 we will:

- Conduct additional tests of a Standard Missile 3, which is designed to engage mid- and short-range ballistic missiles early in flight.
- Conduct tests of a Terminal High Altitude Area Defense missile, which is designed to engage mid- to short-range ballistic missiles late in flight.
- Increase the number of emplaced Ground Based Interceptors in Alaska and California. Ground Based Interceptors are designed to engage long-range ballistic missiles in the midcourse of their flight. We plan on an interceptor demonstration this spring and up to two more interceptor tests by the end of 2006.
- Refine our missile engagement tracking capability by deploying sea-based and forward-based X-Band radars to operational locations in the Pacific region, where, by the end of 2006, they will join a global network of radars.
- Upgrade the Command, Control, Battle Management, and Communications System to extend situational awareness capability to Pacific Command and European Command by the end of 2006.
- Promote expanded interagency support and participation in the Proliferation Security Initiative to further global efforts to combat the spread of WMD.

At the heart of the New Triad are the key enablers of command and control, intelligence, and planning. Through these enablers, and our broad array of space capability, we create the agility to respond to a wide range of global challenges. During 2006 we will:

- Evolve the renovated STRATCOM Global Operations Center to enhance collaboration among all geographically distributed STRATCOM elements—defining the first step toward a Global C<sup>2</sup> capability for all New Triad forces.
- Complete preparations for opening the first node in a network of ground entry points designed to serve a nationally distributed sea, air and sea network capable of providing the diverse connectivity requirements of the

New Triad and DOD support to a broader national command capability using all elements of national power.

- Codify the output of the department-wide process review designed to modify historically inefficient ISR force apportionment practices to globally manage low-density, high-demand ISR assets such as unmanned aerial vehicles (UAVs) and reconnaissance aircraft.
- Extrapolate the results of an exercise in which we demonstrated the ability to achieve persistence through the combination/integration of different ISR phenomenology, to better fulfill combatant commander's intelligence requirements.
- Capitalize on the longer dwell time of unmanned and unattended sensors to produce greater persistence in global war on terrorism operations.
- Initiate a pilot program to determine essential global strike command and control services with an explicit objective of delivering a distributed, collaborative product. The pilot program will take advantage of the Department's Data Strategy, which calls for visible, accessible and understandable data, and uses Services Oriented Architectures (SOA) to promote flexibility and agility.
- Initiate efforts to transition from a limited space surveillance architecture to a more fully integrated terrestrial and space-based approach to situational awareness.

#### A NATION AT WAR—CONTINUING TO TRANSFORM

When I came before you last year, it was clear the pace of change and nature of the threats and challenges to our Nation were growing rapidly. It was also clear that Strategic Command's legacy systems and organizational relationships were not suitable for meeting emerging challenges the Nation now faces. Our intent, this year, was to address nuclear issues in the QDR in order to rationalize them in the context of our overall capabilities. It is against this backdrop that we entered the dialog of the 2006 QDR.

STRATCOM presented new ideas and concepts, which were widely debated during the course of review proceedings. We entered this review believing the New Triad concept was sound in principle, but that the pace of attaining the new construct was lagging the National need. With this in mind we focused on four objectives:

- Determine which elements of our considerable nuclear force structure are essential to future stability and which might be retired in favor of more redundant and credible conventional or nonkinetic capabilities called for by the 2001 Nuclear Posture Review and 2005 Strategic Capabilities Assessment.
- Determine the next steps needed to fulfill our commitment to an integrated missile defense capable of defending the U.S., its deployed forces, friends, and allies.
- Identify key enablers within the domains of ISR; communications, space, and collaborative planning that could rapidly improve our agility and responsiveness.
- Identify structural barriers to effective integration and synchronization of DOD efforts to combat WMD.

The QDR served to remind us of two very important factors: first, that the United States is a nation engaged in a long war; and second, that our enemies in this long war seek WMD and will likely attempt to use them in their conflict with free people everywhere. Importantly, the QDR validated the need to adjust the U.S. global military force posture by moving away from a static defense in obsolete Cold War garrisons. While the review described many areas in which we must shift emphasis, we believe three are of particular importance to shaping our command and its approach to the future:

- From nation-state threats—to decentralized networked threats from non-state enemies.
- From "one-size-fits-all" deterrence—to tailored deterrence for rogue powers, terrorist networks, and near-peer competitors.
- From a focus on kinetics—to a focus on effects.

We have taken the QDR's imperative for change as validation of our desire to accelerate transformation in many areas. While we believe progress has been made, more can be done in selected areas to improve STRATCOM's posture and preparedness to respond to a wider range of traditional, irregular, disruptive, or catastrophic challenges. Beginning in 2007, we will take steps to:

Improve STRATCOM's nuclear deterrence posture. Key initiatives include:

- Reduce the number of deployed Minuteman III ballistic missiles in order to provide assets to meet essential flight test needs and ensure the viability of the Minuteman force. This will better balance our legacy nuclear capabilities while preserving our ability to reconstitute additional forces in response to strategic surprise.
- Study the requirement for a Minuteman III replacement. We believe this is an essential step toward ensuring our future national security needs.
- Study the requirement for nuclear-armed cruise missiles and look at alternative methods of storing these Cold War era weapons. We believe that this study will provide valuable input in support of developing an effective long term strategy to maintain the nuclear stockpile.

*Develop a wider range of conventional deterrent weapons*

STRATCOM championed the need for a prompt, precise conventional global strike capability, to bridge the gap between prompt nuclear weapons and less timely, but precise, conventional weapons. Key initiatives include:

- Deploy an initial precision-guided conventional Trident Sea-Launched Ballistic Missile capability within 2 years. The speed and range advantage of a conventional Trident missile increases decision time and provides an alternative to nuclear weapon use against fleeting, high value targets. The conventional Trident missile would be particularly useful in deterring or defeating those who seek to coerce or threaten the U.S. with WMD.
- Develop a new land-based, penetrating long-range strike capability to be fielded by 2018.
- Study alternative options for delivering prompt, precise conventional warheads using advanced technologies such as hypersonic vehicles from land, air, or the sea.

Develop nonkinetic capabilities to expand the range of effects we can generate against certain targets. Without question we are on the verge of a major technology shift to the Network Age. We see an environment in which digital internet communication is more pervasive, reliable, efficient, cheap, and rapid—even with the enormous increase in volume, variety, and velocity of data. Key initiatives include:

- Develop capabilities that promote the freedom of action we enjoy in other mediums like, maritime and air.
- Develop the doctrine, organization, training, maintenance, logistics, personnel and facilities to defend our Nation in this domain.
- Enhance measures to improve information assurance and network security.

Improve integrated defenses against short, intermediate, and intercontinental range ballistic and cruise missiles, and develop complementary capabilities to combat WMD. Key initiatives include:

- Develop and mature integrated air and missile defenses that deter attacks, demonstrating the ability to deny an adversary's objectives.
- Integrate defensive systems among our international partners in ways that promote assurance against attack.
- Expand the Army's 20th Support Command's capabilities, to enable it to serve as a Joint Task Force capable of rapid deployment in support of WMD elimination.
- Improve and expand U.S. forces' capabilities to locate, track and tag shipments of WMD.
- Expand our advanced technical render safe capacity and implement measures to increase associated speed of response.

Improve our nuclear infrastructure. STRATCOM recognizes the importance of an efficient and more responsive nuclear weapons infrastructure to the Department's strategy of tailored deterrence. We believe this is the essential element needed to ensure our weapons are safe, secure, and reliable, to ensure we can respond to both technological and political surprise, and to reduce our current stockpile of nuclear warheads.

In May 2005, the Nuclear Weapons Council commissioned an 18-month study, to determine the feasibility of replacing some W76 warheads with a Reliable Replacement Warhead (RRW) and to examine the potential for using RRW in lieu of the W78 warhead. This U.S. Navy led study will include Air Force and Interagency participants and should issue a final report in November 2006. We believe this study will be a useful tool in addressing some of the concerns raised by the Report of the Defense Science Board Task Force on Nuclear Capabilities, dated January 2006. The key initiative is to:

- Determine the feasibility of replacing existing warheads with a RRW.

Develop a more coherent global command and control capability and a network-enabled architecture that moves information to the user, rather than moving the user to the information. The New Triad needs a robust, resilient global C<sup>2</sup> system that builds on our legacy nuclear C<sup>2</sup> system and serves as the basis of a critical national-level capability suitable for use in emergencies range from terrorist attacks to natural disasters. Key initiatives include:

- Transition the STRATCOM Mobile Consolidated Command Center, providing a survivable and enduring nuclear command and control capability, to a new network of distributed ground-based communications nodes; establishing a gateway to a robust multi-functional global command and control capability.
- Retire four National Airborne Operations Center (NAOC) and upgrade the take charge and move out command and control aircraft, to sustain a survivable airborne link to strategic nuclear forces and broaden our ability to support full functionality of the New Triad.

Transition intelligence, surveillance, and reconnaissance activities from a legacy approach, directed largely at monitoring nation states in two theaters, to a true global enterprise tailored to meet regional needs. Key initiatives include:

- Implement a new global intelligence approach focused on achieving persistent collection capabilities against legacy and emerging threats, with our U.S. Government and allied partners, and improved synergy with the Intelligence Community.
- Increase investment in UAVs to provide greater dwell capabilities in the effort to identify and track mobile targets globally.

#### *Improve space capabilities*

The space mission area creates a decisive strategic advantage for our national security, empowering critical economic as well as defense related activities. Our dependence on space capabilities, coupled with recent significant advances in space operations demonstrated by others, establishes a true imperative to protect our space assets and our freedom of action in space. STRATCOM understands the need to stay at least one technology generation ahead of any foreign or commercial space power. We must improve space situational awareness and protection, and ensure unfettered, reliable, and secure access to space. Key initiatives include:

- Improve responsive space access, satellite operations, and other space enabling capabilities such as the space professional cadre.
- Integrate air and space capabilities to deliver combined effects.
- Realign resources to sustain existing space surveillance capabilities.

#### STRATCOM REQUESTS YOUR SUPPORT TO MEET THE CHALLENGES WE FACE

Over the next 5 years, we must fully transform while remaining engaged in a conflict in which our enemies will use any and all means to achieve their objectives. We believe a more aggressive transformation schedule than envisioned 5 years ago is essential to maintain the strategic advantage needed to deter or defeat those who would do us harm. If we do not accelerate this transition, we will face these adversaries, who attack through asymmetric means, with the blunt weapons of last resort that won the Cold War. That alone will not preserve our future national security. In particular we are requesting your support in the following areas:

#### *Prompt, Precision Conventional Global Strike*

Tailored deterrence requires a more complete range of capabilities to address the wide spectrum of challenges that confront us today. While the Department employs expeditionary forces around the globe, it is unlikely we will have forces in every place we need them at the crucial moment when we have an opportunity to stop a WMD-armed threat far from our shores. The United States has the capability to engage with high quality conventional forces around the world, given days or perhaps weeks to respond. But if our general-purpose forces are not in a position to respond rapidly, the need to defeat attacks against the United States may require STRATCOM to interdict fleeting targets at global range. We have the delivery capability on alert today, but configured only with nuclear weapons. This choice is not credible against many of the extremist adversaries we will face.

We recommend proceeding with development of the responsive, conventional global strike alternative offered by the Conventional Trident Modification. The President's budget request includes funds for the modification of a number of submarine

based Trident Missiles to deliver conventional warheads with precision over thousands of miles in tens of minutes.

*Global Command and Control (GC<sup>2</sup>)*

We are now faced with the task of recapitalizing our aging, Nuclear Command and Control (NC<sup>2</sup>) network, which is a matter of prime importance. Capitalizing on advances in technology, we envision a transition from the single-purpose, stove-piped NC<sup>2</sup> network that served us during the Cold War, to a multi-functional, distributed, survivable, and expandable GC<sup>2</sup> capability, leveraging the assets and resources of the Global Information Grid and serving the needs of our joint warfighters.

With your support for the President's budget request, we can deliver a resilient air, land, and maritime GC<sup>2</sup> capability that will tie together all elements of New Triad power. Fully developed, the GC<sup>2</sup> will enable collaboration between and among DOD and other government agencies and partners, providing the core of a National Command Capability to meet the broadening array of potential challenges we face as a nation. A true National Command Capability will only be effective with federally mandated standards for data tagging to facilitate enhanced information sharing.

*RRW*

Finally, if we are to break the cycle of maintaining and refurbishing large numbers of Cold War-era nuclear warheads to guard against uncertainty, we request your support to ensure a safe, secure, reliable nuclear stockpile, and in the process transform the nuclear weapons enterprise. Discussions over the past year within the executive branch and Congress have increased understanding of the role for nuclear weapons in our current environment, and the value of a responsive defense infrastructure. STRATCOM supports the RRW as the key to transforming our aging Cold War nuclear weapons stockpile. RRW will enhance our long-term confidence in the stockpile and reduce the need to retain high numbers of hedge weapons while exercising the people, science, technology base, and facilities required for sustaining the nuclear weapons enterprise.

Maintaining the current stockpile of Cold War era weapons is a challenge. If directed, we believe the time is right; the risk is manageable; and the opportunity is at hand to choose weapons that will best serve our future and allow us to further reduce our overall stockpile size, in order to transition to and maintain a smaller but safer, more secure, and more reliable nuclear weapon arsenal.

STRATCOM TRANSFORMATIONAL VECTORS BUILDING STRATEGIC ADVANTAGE

STRATCOM plays an important role in leading national efforts to send an unambiguous message to our adversaries and friends alike—we will do whatever it takes, for as long as it takes, to ensure the forces of freedom possess a lasting strategic advantage against those who would deny citizens of America and the world the security to govern their own future. We will continue to be aggressive and resourceful in offering our best advice in the pursuit of capabilities needed to meet our National security requirements. With your help we can assure our allies, dissuade unhealthy competition, deter coercive or damaging acts, and above all else, defend our citizens and defeat our enemies. Thank you for your continued support.

Senator CORNYN. Thank you.  
Mr. Paul.

**STATEMENT OF HON. JERALD S. PAUL, PRINCIPAL DEPUTY ADMINISTRATOR OF NATIONAL NUCLEAR SECURITY ADMINISTRATION, DEPARTMENT OF ENERGY**

Mr. PAUL. Thank you, Mr. Chairman, Senator Nelson. Thank you for creating this opportunity to raise the level of attention and for your leadership on these paramount issues associated with nuclear WMD. It is indeed a pleasure to be here today to discuss non-proliferation activities of the DOE's NNSA.

Acquisition of nuclear weapons, WMD capabilities, technologies, and expertise by rogue states or terrorists pose the greatest threat to our national security as the chairman eloquently pointed out. The pursuit of these capabilities by terrorists and states of concern



underscores the importance of our threat reduction, detection, and interdiction programs.

The mission for the Office of Defense Nuclear Nonproliferation, within NNSA, is to detect, prevent, and reverse the proliferation of WMD.

Our programs are structured to support multiple layers of defense against nuclear terrorism and state-sponsored nuclear proliferation. We work with more than 70 countries to secure dangerous nuclear and radiological materials, and to dispose of surplus weapons-usable material.

We also work closely with multinational and multilateral institutions, including the International Atomic Energy Agency (IAEA) at the United Nations in our offices in Vienna and with the Nuclear Suppliers Group, as well, to strengthen international nuclear safeguards regimes and to improve the nuclear export control regulatory infrastructure in other countries. This multi-layered approach is intended to identify and address potential vulnerabilities within the international nonproliferation regime and to limit terrorists' access to deadly weapons and material.

Since September 11, 2001, the Office of the Defense Nuclear Nonproliferation within the NNSA has accelerated and expanded its implementation of a six-pronged defense-in-depth strategy to deny terrorists and states of concern the materials, the technology, and the expertise needed to develop nuclear and radiological weapons. Our programs fall into those six broad categories.

The first element of that strategy is to account for and secure nuclear material in Russia and the former Soviet Union. To date, we've secured over 80 percent of the sites where these materials are stored and we are on course to finish all of our security upgrades by 2008, a full 2 years ahead of schedule.

The second prong is to detect and prevent the movement or trafficking of weapons-usable technologies and nuclear materials. We have installed radiation detection equipment at more than 50 border crossings in Russia and the former Soviet Union and European countries. The Megaports Initiative is currently operational in Greece, the Bahamas, Sri Lanka, Spain, and the Netherlands, and is at various stages of implementation in nine other countries and there are many more on the list that we are driving towards implementing.

The third prong is to stop the production of new fissile material in Russia. We are working with Russia to expedite the closure of its remaining three plutonium production reactors in the formerly closed cities of Seversk and Zheleznegorsk.

Fourth, to eliminate existing weapons-usable material in Russia and former Soviet states. Through our Megatons to Megawatts program, more than 260 metric tons of Russian highly enriched uranium, that is bomb-grade uranium, from dismantled weapons have been down-blended to low-enriched uranium that is non-bomb grade uranium to non-weapons grade material for use in commercial nuclear power reactors. As we speak, Mr. Chairman, Senator Nelson, 10 percent of all electricity consumed by Americans in this country comes from low-enriched uranium that formerly was a part of high-enriched uranium for Soviet nuclear weapons. This program ultimately will be responsible for disposing of approximately 20,000

nuclear warheads worth of material and we're a little more than halfway through that now. We are also working with the Russian Federation to eliminate 34 metric tons of weapons-grade plutonium in each country, enough for over 17,000 nuclear weapons. This in part is the MOX program the chairman mentioned and I look forward to taking some questions on both the Russian and the domestic progress on MOX.

The fifth prong is to eliminate or consolidate the remaining weapons-useable nuclear and radiological materials that exists throughout the remainder of the world. Our Global Threat Reduction Initiative (GTRI) formed 2 years ago has converted 43 research reactors to use low-enriched uranium and plans to convert all 106 targeted research reactors by 2014. The GTRI has repatriated 145 kilograms of Russian-origin highly-enriched uranium from Russian-supplied research reactors and approximately 1,200 kilograms of U.S.-origin highly-enriched uranium in spent fuel assemblies from U.S.-supplied research reactors. The U.S. Radiological Threat Reduction program has recovered more than 12,000 radioactive radiological sources in the United States and the International Radiological Threat Reduction program has completed security upgrades at 373 sites to date.

Our sixth prong is to support our U.S. diplomatic initiatives. The DOE and the NNSA through our national laboratories are playing a vital role in our Nation's broader effort to challenge proliferation in Iran, to prepare the groundwork for verifying any North Korean nuclear declaration in the context of the Six-Party Talks, to promote universal implementation of anti-proliferation measures outlined in the United Nations Security Council Resolution 1540, to update the Nuclear Suppliers Group guidelines and strengthen international safeguards and, of course, to assist Libya in the dismantlement of its former WMD program.

We also perform critical research and development. We manage a vigorous nonproliferation research and development (R&D) program and it is the technical base that provides our policy programs and operational agencies, including the DOD, the Department of Homeland Security (DHS), and the Intelligence Community (IC), with the innovative systems and technologies to meet their non-proliferation, counterproliferation, and counterterrorism mission responsibilities.

A brief word on Bratislava. Many of these programs have new, accelerated completion dates as a result of the Joint Statement at the G8 Summit at Bratislava to which the General and Secretary Flory referred. We have made great progress because of this momentum that has been given to us by this joint statement between President Bush and President Putin who've established a bilateral Senior Interagency Working Group co-chaired by U.S. Secretary of Energy Bodman and the Russian Federal Atomic Energy Agency Director, Sergei Kiriyenko. Together, they oversee enhanced nuclear security cooperation in six areas: Emergency Response, Best Practices, Security Culture, Research Reactors, Material Protection, and Control and Accounting.

While the NNSA has been working with our Russian counterparts in many of these areas for several years, the Bratislava initiative truly did elevate our dialogue to a national level and has

moved the operation to one of a shared partnership. One example would be our cooperation on physical protection of sensitive nuclear sites in Russia that has been accelerated and will allow us to complete those by the end of 2008.

I also want to make a brief comment while we're talking about nonproliferation, the importance of energy, nuclear energy and nuclear nonproliferation. Last month the President announced the Global Nuclear Energy Partnership (GNEP). GNEP is a comprehensive strategy to supply the projected doubling of the world's demand for nuclear energy in the next 4 decades, to do this by using the science of the atom to provide clean, safe nuclear energy for decades to come in a way that reduces air emissions, advances nonproliferation goals, helps to resolve nuclear waste disposal issues, and develops advanced safeguards and technologies. It is through GNEP that we can create a new model of nonproliferation both globally and domestically.

Under the administration's proposal, countries with secure, advanced nuclear fuel cycle capabilities would offer commercially competitive and reliable access to nuclear fuel services to those countries who agree to forego the development of indigenous fuel cycle enrichment and reprocessing technologies.

On the budget, let me just say that although we thank Congress very much for helping us elevate the level of attention to nonproliferation issues, we ask for your continued support. This administration has more than doubled the funding for nuclear nonproliferation since its first budget in 2001. The request this year of almost \$2 billion supports the NNSA nonproliferation programs that represents almost a 7-percent increase over the budget for comparable 2006 activities in a budget constrained environment.

I have submitted a more detailed budget justification and statistical appendix for the record and I'd like to take just a quick moment to run through a couple of those key items. For the activities that fall under the Bratislava Initiative, our budget request will support the completion of upgrades of nine additional 12th Main Directorate sites by the end of 2008, acceleration of the Russian Research Reactor Fuel Return program, and continued development and execution of specialized emergency management training for monitoring and assessing nuclear and radiological events.

High among our priorities, it will also help us increase the sustainability activities to support transfer of the material protection and control and accounting activities to Russia by 2013. In other words, it's one thing to go in and secure a facility, you have to also then train the host country to maintain the capability and operate that equipment, the sustainability function that we continue to try to transfer to the Russians.

The request also fulfills DOE's commitment to roughly \$675 million to the G8's global partnership against the spread of WMD and this is a program, of course, that Senator Domenici highlighted very eloquently yesterday during the hearing that Senator Collins attended. It will also support the Six-Party Talks with North Korea and the scientist engagement in Russia, the former Soviet Union, Libya, and Iraq.

In conclusion, just again I want to thank you for this opportunity to speak about some of the programs that we are engaged in. Con-

gress has been so supportive and we ask for your continued support and certainly look forward to an opportunity to answer some of your questions. Thank you.

[The prepared statement of Mr. Paul follows:]

PREPARED STATEMENT BY HON. JERALD S. PAUL

Mr. Chairman, Senator Reed, and members of the subcommittee, it is a pleasure to be here today to discuss the nonproliferation activities of the U.S. Department of Energy's (DOE) National Nuclear Security Administration (NNSA).

Acquisition of nuclear weapons, weapons of mass destruction (WMD) capabilities, technologies, and expertise by rogue states or terrorists pose the greatest threat to our national security. The pursuit of these capabilities by terrorists and states of concern underscores the importance of our threat reduction, detection, and interdiction programs.

I would like to begin by briefly outlining our NNSA's nonproliferation strategy and will highlight a few examples of where our programs, working with other agencies, fit into the context of broader U.S. Government efforts to stem the proliferation of WMD. Next, I will outline a few recent and new initiatives that the NNSA, particularly the Office of Defense Nuclear Nonproliferation (DNN), is supporting. Finally, I will discuss how the President's budget request supports these important missions. Before I begin, I would like to take a moment to note that it has been, and continues to be, a privilege and honor to work with the talented and dedicated individuals at the NNSA. These are folks charged with the single most important national security mission in the Department—keeping the world's most dangerous materials out of the hands of the world's most dangerous people—and they continue to meet that goal day in and day out.

The mission of the Office of DNN, within the NNSA, is to detect, prevent, and reverse the proliferation of WMD.

Our programs are structured to support multiple layers of defense against nuclear terrorism and state-sponsored nuclear proliferation. We work with more than 70 countries to secure dangerous nuclear and radiological materials, and to dispose of surplus weapons-usable material. We also work closely with multilateral institutions, including the International Atomic Energy Agency (IAEA) and the Nuclear Suppliers Group, to strengthen the international nuclear safeguards regime and to improve the nuclear export control regulatory infrastructure in other countries. This multi-layered approach is intended to identify and address potential vulnerabilities within the international nonproliferation regime, to limit terrorists' access to deadly weapons and material.

Since September 11, the DNN within NNSA has accelerated and expanded its implementation of a six-pronged defense-in-depth strategy to deny terrorists and states of concern the materials, technology, and expertise needed to develop nuclear and radiological weapons. Our programs fall into six broad categories:

*First: To account for and secure nuclear material in Russia and the former Soviet Union.*

In cooperation with the Russian Federation our Office of Material Protection, Control and Accounting (MPC&A) works to upgrade security at Russia's Federal Atomic Energy Agency (Rosatom) weapons complex and at sites that store and process weapons-usable materials in Russia. Working with the Russian Ministry of Defense, we also cooperate to secure nuclear weapons at Russian Navy and Strategic Rocket Forces sites and consolidate weapons-usable material into fewer, more secure locations.

- To date, we have secured over 80 percent of the sites where these materials are stored and we are on course to finish all of our security upgrades by 2008—a full 2 years ahead of the schedule.
- With over 95 percent of the warhead and nuclear fuels sites completed, we will finish our work to secure Russian Navy warhead and nuclear fuel sites in 2006. We are moving rapidly to identify and secure all remaining 12th Main Directorate and Strategic Rocket Forces warhead sites on an accelerated schedule by the end of 2008.

*Second: To detect and prevent the movement or trafficking of weapons-usable technologies and nuclear materials.*

Through our Second Line of Defense (SLD) Program, which includes the Megaports Initiative, and International Nonproliferation Export Control programs, we are working with other countries to install radiation detection equipment at key

transit choke points throughout the world—such as sea ports, airports, and land border crossings—to enhance the capabilities of our international partners to detect movement of nuclear and radiological materials, and improve international export controls. These programs complement and build upon Department of Homeland Security (DHS) programs, such as the Container Security Initiative (CSI), and form an important layer in DHS's Domestic Nuclear Detection Office's "Global Architecture." In addition, our work goes hand-in-glove with the State Department's (DOS) Export Control and Border Security (EXBS) initiative. With our CSI partners at DHS's Bureau of Customs and Border Protection, we are working to install radiation portal monitors at the foreign ports where CSI is present or will soon be operational.

- Through 2005, we have installed radiation detection equipment at more than 50 border crossings (rail crossings, vehicle crossings, small seaports) in Russia and other Former Soviet Union (FSU) and European countries. Additionally, we maintain radiation detection equipment at approximately 60 locations originally equipped by the DOS and other agencies.
- The Megaports Initiative is currently operational in Greece, the Bahamas, Sri Lanka, Spain, and the Netherlands. NNSA is at various stages of implementation in nine other countries: Belgium, China, United Arab Emirates (UAE), Honduras, Israel, Oman, the Philippines, Singapore, and Thailand.
- Our International Nonproliferation Export Control Program assists foreign governments to implement effective export controls, including training to identify and block transfers of proliferation-sensitive trade. This program is operating in over 40 countries, including nodal transshipment states in regions of concern and emerging suppliers.
- We are also placing an increasing emphasis on interdiction, including assessments of foreign WMD technology procurements and support for the administration's Proliferation Security Initiative (PSI).

In addition to this important work, we are securing weapons expertise through joint collaboration and alternate infrastructure development. Through the Department's Global Initiatives for Proliferation Prevention (GIPP) program we are engaging former weapons experts in nuclear, chemical and biological weapons institutes in Russia, FSU, Libya, and Iraq. We often say that the proliferation threat has three elements—technology, materials, and expertise. This program addresses the third element. By redirecting weapons scientists to peaceful, commercially viable, activities, we reduce the likelihood that these individuals will want to work with proliferators—and reduce the likelihood that a rogue state or terrorist organization will be able to recruit them.

Another benefit of the GIPP program is the new sources of technology that it provides to the U.S. industry. The program is structured to include participation of U.S. companies, which match the Department's project funds with their own resources to bring projects to the market and gain intellectual property rights. Among the GIPP program's commercial successes are advanced medical equipment, specialized metallurgy, improved fossil fuel exploration, and filters that have been used in manned space exploration.

*Third: To stop the production of new fissile material in Russia.*

In 1997, the U.S. and Russia signed the Plutonium Production Reactor Agreement (PPRA) requiring the cessation of weapons-grade plutonium production for use in nuclear weapons. Under PPRA, we monitor the permanent shut-down of Russia's plutonium production reactors and the more than 10 metric tons of plutonium oxide to ensure the reactors and materials are no longer available for use in weapons production.

We are also working with Russia to expedite closure of the remaining three plutonium production reactors. In March 2003, the DOE and the Ministry of the Russian Federation for Atomic Energy (Rosatom) signed an agreement to carry out the objectives of PPRA, which committed DOE, subject to available funds, to assist in providing fossil fuel plants to replace the energy now provided by the reactors.

- We have made significant progress on this project in the last year. We have already begun construction work at the first site, Seversk, and will start construction at the second site, Zheleznogorsk, this spring.
- At both sites, we agreed to "quid pro quo" milestones that tie progress in fossil fuel plant construction to progress toward permanent reactor shut-down and are making satisfactory progress in meeting milestones.

*Fourth: To eliminate existing weapons-usable material in Russia and former Soviet States.*

To date more than 260 metric tons of Russian highly-enriched uranium (HEU) from dismantled weapons have been down-blended to low-enriched, non-weapons grade material for use in commercial power reactors pursuant the HEU agreement or what is often called the “Megatons to Megawatts” program. Altogether, by 2013, 500 metric tons of Russia’s HEU will be converted and used to support civilian nuclear power here in the United States at little or no cost to the American taxpayer. This down-blended material accounts for 10 percent of U.S. electricity production. In other words, 1 in every 10 light bulbs in America is powered by material that was once contained in a Soviet nuclear warhead.

Additionally, through our plutonium disposition programs, we are working with the Russian Federation to eliminate 34 metric tons of weapons-grade plutonium in each country, enough for over 17,000 nuclear weapons.

*Fifth: To eliminate or consolidate the remaining weapons-useable nuclear and radiological materials that exists throughout the remainder of the world.*

In May 2004, DOE launched the Global Threat Reduction Initiative (GTRI) to identify, secure, recover, and/or facilitate the disposition of vulnerable nuclear and radiological materials around the world that pose a threat to the United States and to the international community.

GTRI works to convert research reactors worldwide from the use of HEU nuclear fuels to low-enriched uranium (LEU). GTRI repatriates the U.S. and Russian-supplied HEU nuclear fuels from these reactors to their country of origin, as well as addresses the “gap” material (i.e. material of concern that is not currently being addressed under existing programs) for final disposition, and performs research reactor physical security upgrades. GTRI also maintains a rapid response capability to address denuclearization. This capability was put to use during the material and source removal efforts in Libya and Iraq.

GTRI also addresses the threat of a radiological dispersal device or “dirty bomb” by identifying and recovering excess and abandoned radiological sources domestically and securing vulnerable radiological materials abroad.

- GTRI has converted 43 research reactors to the use of LEU and plans to convert all 106 targeted research reactors by 2014.
- GTRI has repatriated 145 kilograms of Russian-origin HEU from Russian-supplied research reactors and approximately 1,200 kilograms of U.S.-origin HEU in spent fuel assemblies from U.S.-supplied research reactors.
- The U.S. Radiological Threat Reduction program has recovered more than 12,000 radioactive sources in the U.S. and the International Radiological Threat Reduction program has completed security upgrades at 373 sites.

*Sixth: Support U.S. diplomatic initiatives.*

In his speech before the National Defense University 2 years ago, President Bush laid out an ambitious program of work to close gaps in the existing system of non-proliferation controls. DOE/NNSA and our national laboratories are playing a vital part in our Nation’s broader effort to challenge proliferation in Iran; to prepare the groundwork for verifying any North Korean nuclear declaration in the context of the Six-Party Talks; to promote universal implementation of anti-proliferation measures outlined in United Nations Security Council Resolution 1540; to update Nuclear Suppliers Group guidelines and strengthen international safeguards; and to assist Libya eliminate its WMD programs.

Underpinning each of these policy initiatives, we maintain a vigorous Non-proliferation Research and Development (R&D) Program. This program conducts applied research, development, testing, and evaluation to produce technologies that lead to prototype demonstrations and resultant detection systems. This, in turn, strengthens the U.S. response to current and projected threats to national security worldwide posed by the proliferation of weapons of mass destruction and the diversion of special nuclear material. The R&D program is the technical base that provides our policy programs and operational agencies, including the Department of Defense (DOD), the DHS, and the Intelligence Community (IC), with innovative systems and technologies to meet their nonproliferation, counterproliferation, and counterterrorism mission responsibilities. NNSA invests in strategic and often high-risk technical solutions to detect the proliferation of WMD.

Many of these programs have new, accelerated completion dates as a result of the Joint Statement on Nuclear Security by Presidents Bush and Putin following their meeting in Bratislava, Slovak Republic, in February 2005.

The Bratislava Nuclear Security Initiative called for the establishment of a bilateral Senior Interagency Working Group, co-chaired by U.S. Secretary of Energy Bodman and Rosatom Director Kiriyyenko. Together, they oversee enhanced nuclear security cooperation in five areas: Emergency Response; Best Practices; Security Culture; Research Reactors; and Material Protection, Control and Accounting.

While the NNSA has been working with our Russian counterparts in many of these areas for several years, the Bratislava initiative elevated our dialogue to a national level and has moved our cooperation to one of a shared partnership. As a direct result of the Bratislava Initiative, our cooperation on the physical protection of sensitive nuclear sites in Russia was accelerated and will be completed by the end of 2008. We continue to work with the Russian Government to ensure that they provide resources needed to sustain these upgrades and promote a strong nuclear security culture and employ best practices in handling nuclear materials.

It seems natural after summarizing such a successful Presidential initiative to discuss the Global Nuclear Energy Partnership (GNEP). In February, the administration announced GNEP, as part of President Bush's Advanced Energy Initiative. GNEP is a comprehensive strategy to enable an expansion of nuclear power in the U.S. and around the world, to promote nuclear nonproliferation goals; and to help resolve nuclear waste disposal issues. Fundamental to GNEP is a new approach to fuel cycle technology. Under this proposed new approach, countries with secure, advanced nuclear fuel cycle capabilities would offer commercially competitive and reliable access to nuclear fuel services—fresh fuel and recovery of used fuel—to other countries in exchange for their commitment to forgo the development of enrichment and recycling technology.

Over the next year, we will work with other elements of the Department to establish GNEP, paying special attention to developing advanced safeguards and developing the parameters for international cooperation. I believe that GNEP takes us closer to expanding access to the benefits of peaceful nuclear technology while preventing the proliferation of nuclear weapons through tangible actions that will benefit directly those who join us in this partnership. GNEP will offer us the opportunity to take the international lead in making nonproliferation an integral part of our global nuclear safety and security culture.

#### BUDGET

The administration's request of \$1.73 billion to support NNSA activities addressing the global WMD proliferation threat represents almost a 7-percent increase over the budget for 2006 activities.

The administration's fiscal year 2007 Fissile Material Disposition budget request is \$638 million, an increase of \$169 million over fiscal year 2006. This increase reflects the progress in implementing the plutonium disposition program in the past year. Of this amount, \$551 million will be allocated for disposing of surplus U.S. and Russian plutonium and \$87 million is requested for the disposition of surplus U.S. highly-enriched uranium. The plutonium disposition program, the Department's largest nonproliferation program, plans to dispose of 68 metric tons of surplus Russian and U.S. weapons-grade plutonium (34 metric tons from each country) by fabricating it into mixed oxide (MOX) fuel for use in nuclear power-generating reactors. The United States and Russia completed negotiations of a liability protocol for the program, and senior Russian Government officials have assured the United States that the Russian Government has no issues with this protocol and that it will be signed in the near future. DOE has also been working to validate the U.S. MOX project cost and schedule baseline as part of our project management process, and we will have a validated baseline in place before construction begins. DOE received authorization to begin construction of the MOX facility from the Nuclear Regulatory Commission, began site preparation work for the MOX facility at the Savannah River Site, and implemented a number of improvements to strengthen the management of the MOX project. Current plans call for construction of the U.S. MOX facility to start in 2006, with operations to start in 2015. The administration's budget request is essential for continuing this work in fiscal year 2007, which will be a peak construction year. Now that the matter of liability protections for the plutonium disposition program has been resolved, pending signature of the liability protocol, high-level U.S.-Russian discussions are taking place to discuss technical and financial details for the Russian program.

The administration's fiscal year 2007 budget request of \$107 million for the Global Threat Reduction Initiative (GTRI) is a 10-percent increase over fiscal year 2006 and supports the ambitious completion dates and objectives set by the program. GTRI will identify, secure, recover, and/or facilitate the disposition of the vulnerable nuclear and radiological materials worldwide that pose a threat to the United States

and the international community. Since the creation of GTRI, we have enjoyed a number of successes. Under our radiological threat reduction program, we secured more than 370 sites around the world. As a result of the Bush-Putin Bratislava joint statement on enhanced nuclear security cooperation, we have established a prioritized schedule for the repatriation of U.S.-origin and Russian-origin research reactor nuclear fuel located in third countries. As part of our nuclear materials threat reduction efforts under GTRI, three successful shipments were completed in fiscal year 2005 to repatriate Russian-origin HEU fresh fuel from the Czech Republic (two shipments) and Latvia.

In accordance with the President's Bratislava commitment, we are also working with the Russian Federation to repatriate Russian-origin spent fuel. We have also conducted several successful shipments to repatriate U.S.-origin spent nuclear fuel from Japan, the Netherlands, Sweden, Greece, and Austria. Three research reactors in the Netherlands, Libya, and the Czech Republic have converted from the use of HEU to the use of LEU fuel so far in fiscal year 2006.

The International Material Protection and Cooperation fiscal year 2007 budget request of \$413 million reflects the completion of MPC&A security upgrades in 2008 and the acceleration of Second Line of Defense (SLD) activities in the Caucasus region. This request would fully fund both Bratislava and SLD requirements for 2007. For more than a decade, the United States has worked cooperatively with the Russian Federation and other former Soviet republics to secure nuclear weapons and weapons material that may be at risk of theft or diversion. As part of the Bush-Putin Bratislava joint statement, we agreed to accelerate security upgrades at Russian sites holding weapons-usable materials and warheads. The Bratislava joint statement also provided for a comprehensive joint action plan for cooperation on security upgrades of Russian nuclear facilities at Rosatom and Ministry of Defense sites. In addition, this statement called for enhanced cooperation in the areas of nuclear regulatory development, sustainability, secure transportation, MPC&A expertise training, and protective force equipment. A number of major milestones for this cooperative program are on the horizon, and the fiscal year 2007 budget ensures that sufficient funding will be available to meet these milestones. Security upgrades for Russian Rosatom facilities will be completed by the end of 2008—2 years ahead of schedule. By the end of 2008 we will also complete cooperative upgrades at the nuclear warhead storage sites of the Russian Strategic Rocket Forces and the Russian Ministry of Defense sites. By the end of fiscal year 2007, we will have provided security upgrades at more than 80 percent of all the nuclear sites in Russia at which we now plan cooperative work. In addition to the accomplishments reached thus far under Bratislava, we have also completed physical security upgrades at three priority sites housing dangerous materials in Ukraine, Kazakhstan, and Uzbekistan.

The administration's budget request will enable us to expand and accelerate the deployment of radiation detection systems at key transit points within Russia and accelerate installation of such equipment in five other priority countries to prevent attempts to smuggle nuclear or radiological materials across land borders. Through our Megaports Initiative, we plan to deploy radiation detection capabilities at three additional major seaports in fiscal year 2007, thereby increasing the number of completed ports to 13.

The fiscal year 2007 budget request of \$207 million for the Elimination of Weapons Grade Plutonium Production (EWGPP) is an increase of 18 percent from fiscal year 2006. The EWGPP program is working to establish the fossil fuel plants to allow for the complete and permanent shutdown of the three remaining weapons grade plutonium production reactors in Russia at Seversk and Zheleznogorsk. Every week, these reactors currently produce enough fissile material for several nuclear weapons. The overall EWGPP plan is to replace the heat and electricity these reactors currently supply to the closed cities with energy generated by fossil fuel plants by December 2008 in Seversk and December 2010 in Zheleznogorsk. The reactors are to be shut down immediately when the fossil fuel plants are completed and will be monitored under PPRA to confirm that they are not restarted. The first validated estimate of total EWGPP program cost—\$1.2 billion—was determined in January 2004. After extensive negotiations with Russia, we achieved \$200 million in cost savings. Also, under the authority to accept international funding as provided in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, we have received pledges of \$30 million from six Global Partnership participants. Construction of the fossil fuel plant at Seversk started in late 2004, and the start of construction of the fossil fuel plant at Zheleznogorsk was recently approved.

The fiscal year 2007 budget requests \$269 million for Nonproliferation and Verification Research and Development. This effort includes a number of programs that make unique contributions to national security by researching the technological



advancements necessary to detect proliferation activity worldwide and to detect and prevent the illicit diversion of nuclear materials.

The Proliferation Detection program advances basic and applied technologies for the nonproliferation community with benefit to both national counterproliferation missions and national counterterrorism missions. Specifically, this program develops the tools, technologies, techniques, and expertise for the identification, location, and analysis of the facilities, materials, and processes of undeclared and proliferant WMD programs. The Proliferation Detection program conducts fundamental research in fields such as radiation detection and advanced infrared and radar imaging, providing support to the DHS, the DOD, and the IIC. The Nuclear Explosion Monitoring program builds the Nation's operational sensors that monitor the entire planet from space to detect and report surface, atmospheric, or space nuclear detonations, with sensors carried on every Global Positioning System and ballistic missile early warning satellite. This program also produces and updates the regional geophysical datasets enabling operation of the Nation's ground-based seismic monitoring networks to detect and report underground detonations. The Nuclear Explosion Monitoring program has long supported the DOD and the DOS to conduct their missions.

The fiscal year 2007 budget request for Nonproliferation and International Security is \$127 million. This figure reflects a budget structure change, rather than a significant funding increase, realigning the Global Initiatives for Proliferation Prevention and HEU Transparency programs to this Government Performance and Results Act unit. Through this program, the Department provides technical and policy expertise in support of U.S. efforts to strengthen international nonproliferation institutions and arrangements, fosters implementation of nonproliferation requirements through engagement with foreign partners, and helps develop the mechanisms necessary for transparent and verifiable nuclear reductions worldwide. This budget request addresses our need to tackle key policy challenges including efforts to strengthen the IAEA safeguards system, attempt to block and reverse proliferation in Iran and North Korea, augment U.S. cooperation with China, India, and Russia, and plan to build-up the nonproliferation component of the GNEP.

#### CONCLUSION

The Defense Nuclear Nonproliferation programs are an important investment for this Nation, and are achieving great results. Our budget request will support continuing our progress on reducing the threat posed by the proliferation of nuclear and radiological weapons, expertise, and related technologies. Above all, it will meet the national security needs of the United States of America in the 21st century.

Mr. Chairman, this concludes my statement. A statistical appendix follows that contains the budget figures supporting our request for the DNN. I would be pleased to answer any questions on the justification for the requested budget.

## FY2007 BUDGET TABLES

**Defense Nuclear Nonproliferation****Funding Profile by Subprogram**

(dollars in thousands)

	FY 2005 Current Appropriation	FY 2006 Original Appropriation	FY 2006 a Adjustments	FY 2006 Current Appropriation	FY 2007 Request
<b>Defense Nuclear Nonproliferation and Verification</b>					
Nonproliferation Research and Development....	219,836	322,000	-3,220	318,780	268,887
Nonproliferation and International Security .....	143,764	75,000	-750	74,250	127,411
International Nuclear Materials Protection and Cooperation.....	403,451	427,000	-4,270	422,730	413,182
Global Initiatives for Proliferation Prevention	40,675	40,000	-400	39,600	0
HEU Transparency Implementation*.....	20,784	19,483	-195	19,288	0
Elimination of Weapons-Grade Plutonium Production.....	67,331	176,185	-1,762	174,423	206,654
Fissile Materials Disposition .....	619,060	473,508	-4,735	468,773	637,956
Offsite Recovery Project.....	7,540	0	0	0	0
Global Threat Reduction Initiative .....	0	97,975	-980	96,995	106,818
<b>Subtotal, Defense Nuclear Nonproliferation ....</b>	<b>1,522,441</b>	<b>1,631,151</b>	<b>-16,312</b>	<b>1,614,839</b>	<b>1,760,908</b>
Use of Prior Year Balances .....	-14,475	0	0	0	-34,695
<b>Total, Defense Nuclear Nonproliferation.....</b>	<b>1,507,966</b>	<b>1,631,151</b>	<b>-16,312</b>	<b>1,614,839</b>	<b>1,726,213</b>

NOTE: The FY 2006 column includes an across-the-board rescission of 1 percent in accordance with the Department of Defense Appropriations Act, 2006, P.L. 109-148.

**Public Law Authorization:**  
P.L. 108-148, The Consolidated Appropriations Act, 2006

a This budget request includes an across-the-board rescission of 1 percent for FY 2006 in accordance with the Department of Defense Appropriations Act 2006, P.L. 109-148.

### Outyear Funding Profile by Subprogram

(dollars in thousands)

	FY 2008	FY 2009	FY 2010	FY 2011
<b>Defense Nuclear Nonproliferation</b>				
Nonproliferation and Verification Research and Development .....	279,439	293,924	311,551	324,034
Nonproliferation and International Security .....	132,458	134,706	138,835	146,990
International Nuclear Materials Protection and Cooperation .....	403,351	444,405	530,723	542,859
Elimination of Weapons Grade Plutonium Production .....	182,017	139,363	24,949	0
Fissile Materials Disposition .....	642,853	654,469	710,178	737,976
Global Threat Reduction Initiative .....	120,619	129,085	115,635	116,649
<b>Total, Defense Nuclear Nonproliferation .....</b>	<b>1,760,737</b>	<b>1,795,952</b>	<b>1,831,871</b>	<b>1,868,508</b>

### Major Outyear Considerations

(dollars in thousands)

	FY 2008	FY 2009	FY 2010	FY 2011
<b>Defense Nuclear Nonproliferation .....</b>	<b>1,760,737</b>	<b>1,795,952</b>	<b>1,831,871</b>	<b>1,868,508</b>

NNSA describes major outyear considerations at each GPRA-Unit level within this appropriation.

Senator CORNYN. Thank you very much. We'll now proceed to a round of questions and each of you have provided extensive opening statements which rather than interrupt and truncate I thought were very helpful in laying out the overall groundwork that is necessary to understanding our nonproliferation, counterproliferation, and counterterrorism efforts. But I would like to just ask, maybe start with Secretary Flory, I understand General Cartwright's mission within the DOD when it comes to synchronizing and integrating the Department's efforts on counterproliferation but I'd like to get your comment on who is responsible government-wide across agencies for coordinating and integrating our efforts when it comes to counterproliferation and nonproliferation? My understanding is the ultimate responsibility stops at the National Security Council (NSC) and then obviously the President but I'd like for you to give us some sense of your confidence level that things are going well, that we are filling the gaps and anticipating departmental differences in our approach so that we can have some understanding about how we're handling these important missions government-wide.

Mr. FLORY. Senator, you're right, we focus primarily on what we do within the DOD, how we organize internally. The focal point, as you say, ultimately the responsibility is with the President and the President has the NSC and the NSC's staff. The focal point for most of our efforts is the Director for Proliferation Strategy (PROSTRAT) office in the NSC staff where there's a senior director who is the person who pulls together the different departments on many of these issues. I think you see an evolution on a lot of fronts since the administration took office, particularly since September 11, that have been manifested in the first strategy for combating WMD in 2002 and the succession of additional documents that I cited to you earlier, most recently, the most recent National Security Strategy. I would say that I think we have made a lot of progress in organizing for a new type of threat, a threat that in

many ways is more diffuse and more complex than certainly the Cold War threat and even arguably than the way we perceive the threats in the 1990s. I think that the nature of the threat is such that one would never want to say one was totally confident because of the uncertainties involved because of the effort of proliferators, both countries that want to sell things and countries that want to get a hold of things, the extraordinary denial and deception measures that they use, the large amounts of money that they spend in doing the things they're trying to do. This remains a very hard target and a very complex target and this is one of the reasons that in the QDR and many of our other documents we emphasize the theme of uncertainty. We've been surprised before, we were surprised at the time of the first Iraq war at the extent to which the Iraqi nuclear problem had advanced, as well as later on as we found the extent of biological and chemical weapons that Saddam Hussein at that point had managed to amass. We were surprised when we went into Iraq in 2003 because we expected to find weapons there. We were focused for a number of years on Libya's chemical weapons program, then the nuclear program there came to our attention. That was an unpleasant surprise.

So the basic point I would say is that yes we've made a great deal of progress in the way we have organized and in the guidance we've developed to deal with this threat. On the other hand, this is a very adaptive threat, it's a threat where people are watching what we're doing and trying to find ways to get around what we're doing. I would ask my colleagues, they might want to add on that. I know General Cartwright sees this on a day-to-day basis as well as Mr. Paul.

Senator CORNYN. Let me put another little fine point on the question and then I'd ask General Cartwright and Mr. Paul to comment, but it seems to me that all of the wonderful work that's occurring and that each of you and the people working with you are doing to reduce the threat from proliferation of weapons and to prepare ourselves to counter proliferation of weapons can essentially be defeated if an A.Q. Khan or somebody like him sees that nuclear materials get in the hands of people that shouldn't have them. I just want to make sure and give you an opportunity to express yourselves on whether you believe that we are prioritizing measures appropriately and whether you believe that we are doing, since resources are not limitless, that we are putting our money and our resources and our personnel on the issues in a priority way that are most likely to cause us harm.

General Cartwright.

General CARTWRIGHT. Mr. Chairman, I think that's a good question that gets really at the heart of the issue. For STRATCOM, as we start to enter into this mission area, the objective is not to invent a whole new organizational construct to go out and buy all new equipment, et cetera, but to leverage what is there, understand where the gaps in our capability are, and how they can be quickly filled. A key part of this mission area is our interfaces with our interagency partners, as well as our allies, and so where we can we're taking advantage of those existing relationships.

Clearly between DOE, STRATCOM, NNSA, a long heritage of sharing on the technical side and being able to leverage our tech-

nical capabilities in the nuclear world, et cetera. We're trying to leverage off of those capabilities. Within the STRATCOM's portfolio are the intelligence, surveillance, and reconnaissance skills that will be so critical to doing some of the things that you alluded to in trying to find these weapons, fix them, and then if necessary go out and take them, destroy them, whatever is necessary. Those skills are within the portfolio.

What we're trying to understand now as we stand this organization up is how well will they scale up to the size; how quickly will they be able to respond to an ever-changing adversary; do we have the right organizational constructs; do we have the right relationships set up to be efficient at doing that and not to react to the adversary but to get in front of the adversary; to basically be determinant of where they're going rather than the other way around. I'll tell you that this is a work in progress. I'll tell you that the organizations are coming together. Issues of turf are not really getting in the way, and at the agency level, without stepping on checks and balances, we're creating relationships that are inside the decision cycles of the adversary which to me is the key attribute. We can have wonderful studies and decisions, but if they occur and they're not actionable because they occur after the adversary's already acted, it's of no value.

So to us it's critical to make sure that whatever we set in place has to be able to make the adversary react to you, get in front of their decision cycles, and change the calculus in their minds. So to me that will be the litmus test of how well these organizations actually perform.

Senator CORNYN. Thank you. Mr. Paul, do you have a brief response?

Mr. PAUL. Briefly, Mr. Chairman, it's an excellent question. Nothing binds men together more than a common challenge and just as nuclear proliferation and the threat of nuclear terrorism has bound members together in Congress in a bipartisan way to provide extraordinary attention, support, and resources for this, so too within the interagency, it binds us together. The working relationships are really fantastic.

I'm not going to tell you that there aren't difficulties with the interagencies at times. There's supposed to be a certain amount of tension, which is healthy, but in this arena when we're focused on keeping people with evil in their hearts who would harm innocent people from doing so on American soil, that tends to bind us together and our organizations, Mr. Flory, General Cartwright, Under Secretary Joseph, DHS, and NNSA, I think work very well in this regard. Is there progress to be made? Absolutely. Every day we worry about whether we have the right construct, for example, the right organization in order to get our work done. But there is strong agreement on the need to develop the right technology, to deploy that technology, to ensure that we have the management structure and the focus and the attention on getting this job done because it's so important.

Senator CORNYN. Thank you very much.

Mr. FLORY. Senator, if I could just add one small point. General Cartwright made the point very well about resources. In the DOD, we already get from Congress and the American people a substan-

tial budget and we use it to cover our needs and we allocate in what we think is an intelligent way. One of the ways in which we can improve our capability is in some cases using a relatively small amount of money differently. For example, in terms of interdiction, the Navy is, and this is one of the items, one of the eight mission areas that General Cartwright is tackling as a priority, the Navy has done a good job of using relatively small amounts of money to increase its organic interdiction capabilities on ships deployed. The approach earlier was more an approach that the idea that you had to have some specialized operators to come in and do an interdiction. In most cases you actually don't, so what the Navy has done without spending a whole lot more money is to develop more deployed organic capabilities that can carry out interdiction.

So it's not just a question of resources, it's a question of using the resources we have intelligently and in ways that give us that extra bit of leverage.

Senator CORNYN. Thank you.

Senator Reed.

#### **STATEMENT OF SENATOR JACK REED**

Senator REED. Thank you very much, Mr. Chairman. Thank you for your consideration this morning, with my schedule particularly. I have an opening statement which I'd like to put in the record and at this time and will yield to Senator Nelson who has been attentive throughout the hearing.

[The prepared statement of Senator Reed follows:]

#### **PREPARED STATEMENT BY SENATOR JACK REED**

Good morning. I would like to join Senator Cornyn in welcoming our witnesses this morning. This is an important hearing and I am glad we have an opportunity to discuss these issues this year.

First I want to express my appreciation and admiration for the people at the Department of Energy/National Nuclear Security Administration, the Department of Defense, and in the Defense Threat Reduction Agency (DTRA), and their contractors who are on the ground in various parts of the world implementing these important nonproliferation programs. The working conditions are difficult, and many of the folks spend a good deal of time away from home. Complicating the work in some instances is pervasive corruption and criminal activity, which adds an additional level of complexity to the mission.

Having said that I am concerned, however, that the administration is not giving the high priority to the programs and providing adequate funding to these programs that they have acknowledged is needed. For example, the 9/11 Commission found that countering the threat of weapons of mass destruction (WMD) should be a top priority of the United States and recommended that the United States put forth maximum effort to secure WMD. Nevertheless, in the December 2005 report card issued by the 9/11 Commission, the administration got a grade of "D" in its efforts to implement this recommendation. The 9/11 Commission concluded that at the current rate it would take 14 years to secure all of the nuclear materials just in the former Soviet Union and that is unacceptable. I agree.

Today, I hope we can discuss what can be done to accelerate these programs, address all of the very real threats to the United States and to friends and allies, and to raise that grade from a D to an A.

In addition, there are a number of programmatic issues that we need to discuss today including the Mixed Oxide Fuel program, border security and control issues, and the destruction of Russian chemical weapons.

Finally, General Cartwright, I look forward to a good discussion of the Strategic Command's new mission to combat WMD, your goals for the mission, and the role of the DTRA as the Joint Functional Component Command designated to operationally plan and execute the new mission.

Thank you, Senator Cornyn, and again thank our witnesses for appearing here today.

Senator BEN NELSON. Thank you very much, Senator Reed. I appreciate the courtesy.

General Cartwright, you mentioned in your written testimony that STRATCOM has developed a Center for Combating WMD and that there are going to be former Soviet scientists and others who have expertise in this area and they want to turn over their knowledge on access to weapons-grade plutonium and other very valuable information. Can you give us maybe some specifics as to how this would work?

General CARTWRIGHT. The Center for Combating WMD had its initial operating capability declaration on the 1st of January this year. It is housed inside of the DTRA at Fort Belvoir. Dr. Jim Tegnalia who's here with me today is the lead of that agency. We have several programs that are of record and are in execution to try to help to both retrain people and take these skills and make them usable in other disciplines, use these skills in a way that's synergistic with our aims in things like, not necessarily just for the Russians, but the PSIs and other types of activities.

We also have another activity in Omaha with STRATCOM that seeks to create partnerships in the civil sector and reach out through to try to find ways to address many of these problems, particularly as we start to get to the harder problems in the future, biological agents and chemical agents. To find ways to address these problems that are probably non-standard, and to take advantage of all of the expertise that lives in the academic world, not only in the United States but abroad, and in the business world. From that agency, coupled with this Center for Combating WMD, we hope to see some synergy develop starting to change the mindset and offer a path forward that is positive in nature versus the one that we're on which, in many cases, just continues to build the next generation of an agent whether it be nuclear, biological, or radiological.

Senator BEN NELSON. Thank you. Secretary Flory and Mr. Paul, when I hear words like uncertainty and surprise, those are words that are not comforting but after all the effort is made and with an expectation of success in 2008, how certain, on a scale of 1 to 100, will we be that we've identified all the nuclear material, secured it, and have kept it out of the hands of those who would misuse it?

Mr. PAUL. Senator, one thing we are certain of to a 100-percent degree is that the threat is real and that those persons with evil in their hearts will continue to try and it's our job to make sure that they fail every day, all day. It's our job to ensure that our certainty about whether we're doing everything possible is at its peak as well. I can't give you an exact number. What I can tell you is that we have in the NNSA 37,000 committed Federal, military, and civilian patriots who work every single day, 15-hour days, trying to make sure that this threat doesn't ultimately succeed on our soil. I have a high degree of certainty that the American people are safe and can be confident in knowing that we are doing absolutely all that we can do every single day.

Senator BEN NELSON. What if we were to relate it to just the former Soviet Union and the Russian stockpiles? Is there a possibility of identifying some degree of certainty there?

Mr. PAUL. We have historically recognized that that is an area globally of greatest threat. That's where the material is. The fall of the Soviet Union security, we found out that security to them quite frankly had been a ring of soldiers, many of whom who simply went home shortly after, and there was very little physical protection. All the material protection and control and accounting systems that exist there today are U.S. origin that we put there and that we manage every single day and we are very close to wrapping up that work.

In the former Soviet Union, for example, we've completed 41 of 51 material sites. That's 80 percent where we've completed all of those upgrades, 47 of the 73 warhead sites at 64 percent and we will have all of those completely secured by the end of 2008. We risk base those, we prioritize them in order to increase our certainty, if you will. We're making great progress. Congress has been very supportive. It takes time though. Access is one issue and, of course, it's obvious that these are facilities that exist in a country that has to cooperate with us in order to let us get in there and do our work. Once we get access we have high degree of certainty that by leveraging the extraordinary technology of our laboratory, Sandia National Lab, Los Alamos Lab, Livermore Lab, and so many others that we can do the job, do it quickly, and do it well.

Senator BEN NELSON. When we identify those 50-plus sites, have we been able to do any kind of an accounting or inventory based on what was expected to be there versus what we found?

Mr. PAUL. Yes, there were predictions about how much material would be in those sites. Of course, they were merely predictions and as time went by as we got better and better intelligence, as we were able to put our technical experts inside with access, we learned that those predictions weren't always accurate and each time we get a new piece of intelligence, a new piece of data, we feed that into the calculus in making that risk based determination of what equipment to put in, where, and at what time. But certainly it is a work in progress truing up our decade and a half old predictions.

Senator BEN NELSON. The final question is, is it reasonable to expect that not everything was there that had originally been there? In other words, are there missing items that we're aware are missing as opposed—what do we know that we know versus what we don't know?

Mr. PAUL. I think the question and the point is that you never know what you don't know. We do take that point. That is something that we build into our—

Senator BEN NELSON. I understand, but what I'm trying to say is, do we have any information that would indicate that we expected something to be there that isn't there?

Mr. PAUL. No.

Senator BEN NELSON. Or wasn't there with some degree of reliability a concern that there is something missing, putting it that way?

Mr. PAUL. No.

Senator BEN NELSON. Thank you, Mr. Chairman, Thank you, General.



General CARTWRIGHT. I would just add though, you don't want a false positive here.

Senator BEN NELSON. That's what I'm trying to get to.

General CARTWRIGHT. That ought to keep us awake at night. We can't assume that we do, in fact, have full accounting of what exists today and certainly the way technology is moving, building fissile material is a relatively complicated process. But as we move to the future and worry about the next generation of WMD may it be biological or some other, those production requirements are not the same and can easily be disguised and we should worry about what we don't know.

Senator BEN NELSON. General Cartwright, with you worrying about it at night I think I'll sleep better at night. Thank you. Thank you, Mr. Chairman.

Senator CORNYN. Thank you, Senator Nelson.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman. Thank you, gentlemen, for your testimony today and let me follow up with a question regarding Senator Nelson's topic and that is, we know very little about the tactical nuclear weapons that the Soviet Union had and now they are in the hands of Russia. Last year we proposed an amendment on the committee to try to get a better handle on that. Can you give us, Secretary Flory, a notion of what we're doing to initiate discussions and really try to determine the status of their tactical nuclear weapons and what we can do to put them into controlled circumstances?

Mr. FLORY. Senator Reed, as you point out, the status of those tactical weapons has been a concern from the beginning. I don't want to say we have a handle, but we have processes in place to deal with the strategic and as we mentioned specifically accelerating the improvements in the security on the stored, non-deployed weapons. I would have to get back to you specifically with respect to any discussions. Secretary Paul may have something that he can add to that but if I could get back to you on the record.

Senator REED. Surely.

Secretary Paul?

Mr. PAUL. Together we will.

[The information referred to follows:]

We continue to engage with the Russians on the issue of securing both their strategic and tactical nuclear weapons, although the Russians have provided little data on the operational status of their tactical nuclear weapons. Neither the Department of Defense nor the Department of Energy has every differentiated between strategic and tactical nuclear weapons in our efforts to upgrade security at storage sites in the Russian Federation. We expect to complete our security upgrade work at all storage sites where assistance has been requested by the end of calendar year 2008, at which time the vast majority of all of Russia's nondeployed nuclear weapons, strategic and tactical, will have been secured with U.S. assistance.

Senator REED. Okay. One of the obvious things, and you might want to comment, General Cartwright, is that some of these weapons are rather mobile and small and ideal, if you had a shopping list as a terrorist, they would be on that shopping list and we have to be concerned about that, absolutely concerned.

Let me raise another issue with Secretary Flory and Secretary Paul and that is the 9/11 Commission evaluated many of our national security efforts and this Commission is one of the most re-

spected voices today on a bipartisan basis, and they gave the administration a D with respect to securing radiological and nuclear materials in the Soviet Union. I presume, correct me if I'm wrong, that this is agreed by all to be a high national security priority in the United States.

Essentially what they've done is challenge the administration and Congress to speed up these efforts and be more proactive and more effective. What's the reasonable time-line? The 9/11 Commission said it would take us 14 years at the current rate to secure these materials. I note that DOE and NNSA are talking about securing all materials by 2013. There seems to be a gap first of all in the perception of what the process is, how fast it's going, but the bottom line here is what do we have to do to accelerate the securing of these materials?

Secretary Flory and Secretary Paul?

Mr. FLORY. I would like to make one point, one of the things we're trying to do to secure in particular the so-called stored warhead is the Bratislava Initiative announced by President Bush and President Putin and, in fact, we have a supplemental request before Congress now for \$44 million. That will certainly help because that's one area where we recognize that there was a need to move faster on that. We worked with the Russians because frankly it wasn't easy to get the level of transparency and understanding and agreement on that side to let us know the things we needed to know in order to help them to solve this problem. I think that brings us to an important point here. The Russians continue to have the primary responsibility here and it's something we need to keep as part of the context. We can do with them what they are willing to do with us and they've been over time willing to do more things but the fact of the matter at the end of the day is that they are ultimately responsible.

Senator REED. Secretary Paul.

Mr. PAUL. It's an excellent question. As I said on the MPC&A upgrades we firmly believe that we will have this complete 100 percent by the end of 2008, a full 2 years ahead of schedule. What has given us a lot of momentum is Bratislava and President Bush and President Putin coming together and making that clear joint statement. But what's also given us a lot of momentum is the broad bipartisan support from Congress and the funding. As we talked about before, this administration has doubled the amount of funding that goes to nonproliferation and addressing this threat. We continue to make progress. We don't slow down. We look for ways to accelerate as much as we can. We have accelerated a lot. We've gotten more and more access into the Russian facilities but it's not just Russia. It's outside the Soviet Union states and that's really the next chapter in what we've been working on now for several years is broadening it throughout Europe, reducing the enrichment of those research reactors, the 106 remaining research reactors, and down-blending, putting in security measures at those reactors, repatriating Russian origin spent nuclear fuel and fresh nuclear fuel, all of which is high enriched uranium, and repatriating the fuel that had as its origin American U.S. fuel origin.

We continue to look for ways to accelerate that. I take your point. We'll continue to do that.

Senator REED. Let me add a quick followup question. Secretary Flory points out that there's a supplemental request which we think is very important which we have to recognize. Do you have sufficient funds, Secretary Paul, to meet this 2013 goal of securing these materials or do you need incremental funds going forward and we should, either through supplementals or enhanced budget authority now, give you these additional resources?

Mr. PAUL. The President's 2007 request provides for, as requested, provides for the adequate funds to meet these—

Senator REED. The 2013?

Mr. PAUL. Yes, sir.

Senator REED. Okay. Thank you, Mr. Chairman.

Senator CORNYN. Senator Clinton.

Senator CLINTON. Thank you, Mr. Chairman. Obviously, Mr. Paul, this is a matter of great concern to us especially in light of Linton Brooks' comments in a recent USA Today article saying that one-third of the world's 130 civil nuclear research reactors lack security upgrades needed to prevent terrorists from stealing material that would enable them to make a nuclear device, including even an atomic bomb. We just need to know as precisely as you and others can lay out how to make good on the priority that the President expressed during the 2004 election and which many people agree with: that preventing rogue states and terrorists from acquiring the materials necessary for nuclear weapons has to be our top priority. Why aren't these reactors secure? Are people refusing our assistance, are we not offering our assistance, is there no international mechanism capable of coming in and trying to help secure these reactors?

Mr. PAUL. First of all, to correct one part, I think the article could be read—could be interpreted the way that you have stated. It's not—would not be completely accurate. Administrator Brooks did not say that there were all these reactors that weren't without security upgrades. Through our GTRI and Nonproliferation Organization we have a very effective program for providing the security at those reactors, both through this administration and the previous administration who placed attention on this as well. We originally identified 173 research reactors throughout the world that had highly-enriched uranium in them. We started working down that list as to those who already had security upgrades with countries such as France and Canada who take care of their own security and what we came up with was a list of about 103 that needed additional security upgrades and down-blending from highly-enriched uranium to low enriched uranium. We have performed those upgrades at a total of 76 sites. Of the remaining 27 research reactors upgrading, there's currently upgrading of 6 reactors we're working on: 2 in Chili, 1 in Mexico, Russia, Vietnam, and Peru, and of the remaining 21 we have identified 4 new sites where security is not adequate but we are working on access. This requires cooperation and it's this subcommittee and the full committee that have helped us in highlighting the focus and attention on that and that helps us get some access. But it's hard to get into some of these sites. I can assure you that we are on top of these sites, we have made security upgrades in most of them. We have a program in place to down-blend the uranium in them and as to the small

number of sites that we believe need security upgrades and that we don't have access to, we are working very hard to get that access through the international regime and through other contacts and through the IAEA. Thank you for the question.

Senator CLINTON. I appreciate the update on that and obviously as you said this subcommittee and then the full committee are very concerned and focused on this so any additional authority, any additional resources, I hope that you will let us know. Obviously, that has to remain one of our top priorities.

Mr. PAUL. By the way, on the small list of other sites where we don't have access we could provide you in a different setting some information on those.

Senator CLINTON. Thank you very much. Mr. Paul, I want to follow up on some questions that I asked Secretary Bodman back in February when he testified before the full committee and we had a chance to discuss the GNEP. During that hearing, the Secretary said he would get back to me with answers to some of my questions. I haven't yet heard back so I'll ask the similar questions to you and I hope that I will hear back from one or both of you.

Now, I believe that GNEP is a well-intentioned proposal to help meet the energy needs of our country and our allies and be part of a comprehensive strategy to reduce our dependence on foreign oil but I have some serious concerns about the program which would create a global system of nuclear reactors and U.S. reprocessing plants over the course of decades that could cost tens if not hundreds of billions of dollars. I am concerned about independent research that contradicts the administration's underlying claims that provide the rationale for GNEP. I have two questions: First, studies by the National Academy of Sciences, Massachusetts Institute of Technology (MIT), and even the DOE itself, have pointed out worrisome risks with the program.

First, we know reprocessing spent fuel creates plutonium which can be used not only in civil nuclear energy reactors as laid out in the plan but also to make nuclear weapons. The U.S. has consistently opposed reprocessing, even for allies such as France, and while we focus on how to deal with Iran's quest to develop nuclear weapons and what to do about a nuclear armed North Korea, a country which does use plutonium in its nuclear weapons, I would ask, first, how do you respond to the questions and the risks laid out by the independent analysts and do you see a contradiction between GNEP and our global nonproliferation goals?

Mr. PAUL. Not only is there not a contradiction, the two are absolutely critical for the success of each. It is certain that the world will supply the more than doubling of the demand for nuclear power globally over the next 4 decades through the use of the science of the atom. The rest of the world has concluded that it's no longer a decision for America to make, quite frankly. The rest of the world in order to do this will continue to make use of the nuclear fuel cycle and will continue to recycle fuel. We no longer in America have a decision on whether that will occur. What the GNEP does do, however, is provide a narrow window of opportunity where through leadership America can guide it in a way that improves our nonproliferation regime globally and improves the proliferation resistance of those fuel cycle processes themselves. It is

through our research and development and technology and support that we've been able to provide some enhancements to the current purex processes that is the current methodology whereby the fuel cycle states reprocess fuel now. GNEP proposes a form of recycling that gives enhanced proliferation protections, does not separate plutonium. Current recycling separates plutonium into a pure stream. What GNEP is proposing is a different model whereby plutonium is not separated into a pure stream. It continues to have these other actinides and lanthanides connected to it. On a global setting, as I said, the rest of the world has come to the conclusion that nuclear power will be an important part of providing energy supply not just to America and to the allies but also to those countries who aren't our allies, who want the peaceful use of the atom.

GNEP is an opportunity to allow the peaceful use of the atom, the use of nuclear energy for energy purposes, but do it in a way so that you bring together a partnership of countries whereby those who don't have a fuel cycle can access the energy without accessing the capability that can be converted into a military threat. That is a notion that is as old as President Eisenhower's speech in 1953 before the U.N. Assembly. We have made some progress on it, GNEP puts together all of these pieces and we've been very encouraged by the support that we're getting from the global community, not only from the potential supplier states, Russia, China, Japan, France, U.K., and the IAEA Director El Baradei, but also from potential recipient states, those states who might say that if we had a mechanism to access nuclear energy without developing a recycling capability in-house, we might go in that direction, let's sit down and talk. It's very encouraging.

Senator CLINTON. Could I just have a followup on that because as I understand the critique from various nonproliferation experts, including the MIT study that I mentioned earlier, the so-called proliferation resistant reprocessing system that GNEP claims it would promote is proliferation resistant only in comparison to other methods of reprocessing, not as compared to the original spent fuel. The spent fuel itself is actually far more proliferation resistant than GNEP reprocessed plutonium because it's too radioactive to be handled safely by terrorists. So, in other words, the experts claim that the GNEP program would actually make it easier for terrorists to steal dangerous material to use in an attack. We're about to embark on an undertaking that could very well cost hundreds of billions of dollars and I'm well aware of the desire on the part of many countries and including the administration here at home to promote nuclear civilian use for energy purposes. But I'm just worried about the trade-offs here. If we spent hundreds of billions of dollars refining coal gasification we would provide clean coal without providing spent plutonium as a potential terrorist attack. So how do you make that trade-off?

Mr. PAUL. Fair question. First of all, the purpose of these other countries in accessing the science of the atom to provide energy is not to develop or promote nuclear power. It's to have electricity for hospitals and for first responders and for schools.

Senator CLINTON. It's nuclear power to fuel electricity.

Mr. PAUL. It's to have electricity and to find a way to provide that electricity in the cleanest, safest way, and they have come to

nuclear power as the one zero emissions method for doing that. Now the question is, can America provide the leadership to help that new partnership be crafted globally so that it is more proliferation resistant? Now, I think we share common concerns and goals, maybe not—we may not share all the same conclusions as to the “proliferation resistance” of one chemical process as opposed to another based upon a spent fuel standard. First of all, that process that you’re talking about already exists. It’s what all of those countries are currently using, so to go back and say well let’s compare it to not doing recycling at all, quite frankly we don’t have that opportunity anymore. The rest of the world is going to recycle—is recycling fuel and will continue to recycle spent fuel.

The question is, can we come up with a way that’s even better? Can we be a player by asserting leadership? We think that we can. The global partners that we’ve spoken to also think that through this partnership we can show leadership to provide a more proliferation resistant process.

Some of the studies that you’re referring to or some of the comments have as their predicate certain assumptions that do not necessarily apply. You can design a recycle process thorough uranium extraction (UREX) to have whatever radiation level protection that you want, if that’s the sole way that you’re going to define proliferation resistance. But proliferation and nonproliferation are something that is far greater than a mere radiation dose level at hundred rad or rem per hour or 80–100 spent fuel standard. You can have UREX that is at that standard if that’s your goal but the safeguards technologies that America has developed and helped these other countries to deploy even on their plutonium extraction (PUREX) processes has moved far beyond these earlier standards. We have the opportunity to shift them to a more proliferation resistant process that does not separate out plutonium and that provides safeguards and securities, verification technologies, and mass accounting that is available with this process that is not available with others. Remember that when you keep the plutonium entrained with other isotopes, the lanthanides and the other transuranics, you have signals, signatures, additional tools that a nuclear engineer can use to ensure that there is not diversion, and tools that I do not have available to me with PUREX.

Senator CLINTON. Thank you, Mr. Chairman.

Senator CORNYN. Thank you, Senator Clinton, you raised some very serious concerns and certainly most Members of Congress aren’t nuclear physicists and we need the best information we can possibly get when determining what the policy of this government should be in so many of these areas. So we’d encourage you to continue to supply us with that best thinking and the best science that is out there so we can answer some of these questions at least as satisfactorily as humanly possible.

Mr. Paul, the Fissile Material Disposition Program under which the United States and Russia committed to dispose of 34 metric tons of surplus weapons-grade plutonium is, of course, laudable in intent, but it’s been plagued by numerous problems. There’s been a 2-year delay in the program due to an inability to agree on liability for U.S. contractors and now there’s an agreement but it awaits Russian signatures and ratification by the Duma.

The impasse over liability caused the United States to postpone construction of the U.S. MOX Fuel Fabrication Facility in South Carolina in order to maintain parallelism between the Russian and U.S. programs, in 2005, the DOE Inspector General report criticized the management of the U.S. program and assessed that the cost of the U.S. MOX Facility will be \$3.5 billion, \$2.5 billion more than the original DOE estimate in 2002. The fiscal year 2007 budget request for the program is \$638 million, nearly one-third of the total DOE nonproliferation request for that year, and now it appears that the Russians are no longer committed to the program as originally conceived. Would you give us your view of the status of that program and where you believe the future leads?

Mr. PAUL. Yes, Mr. Chairman. The plutonium disposition model, the goal of disposing of 34 metric tons of weapons-grade plutonium, both from Russia and 34 metric tons from the surplus material stockpile of the United States is a goal that is shared by both this administration, and the previous administration, and the previous administration put in place the Plutonium Disposition Agreement in 2000 with the Russians for the disposition on the Russian side and the U.S. side. On the U.S. side, is our MOX program. That is the MOX Fuel Fabrication Facility and Pit Disassembly Conversion Facility to take that plutonium from our stockpile, convert it into MOX fuel that can then be irradiated in the light water reactors, power reactors that produce electricity for us.

On the Russian side, the Russians have never particularly supported the notion of consuming that plutonium in light water reactors. Their preferred method is through fast reactors and it is true that we have not made as much progress on the Russian side. They started site preparation 2 years ago on their MOX Facility, as we started site preparation this past fall on ours.

The challenges, the difficulties with this are: one, again, the Russians would prefer to go in the fast reactor direction; and two, the liability dispute, the question about what liability protection would apply with U.S. workers in the Soviet Union, significantly delayed the progress on both sides, had a significant impact on the project costs. As you delay a project, a multibillion dollar project, the long lead procurement costs increase more and more and more. There has been uncertainty because of those delays that has to some extent affected appropriations and it has resulted in logical questions that would be asked from the legislative branch.

Senator CORNYN. Let me ask you this, Mr. Paul. Do you believe that Russia is still committed to disposing of excess plutonium through the MOX program and if not what are the costs and benefits and risks to the United States going down another disposition path?

Mr. PAUL. As confirmed by recent communications between the Director of Rosatom, Sergei Kiriyenko, and Secretary Bodman, they are still committed to the disposition of the 34 metric tons although their preference is not for light water reactors, their preference is for the fast reactors. What they have said is pretty consistent with what they said from the beginning, which is that unless the international community provides all the money to do it—they're saying that they are supportive of doing it if the international community provides all of the money to use light water reactors.

If, instead of using light water reactors, they can use their BN600 and move towards an upgrade of that, a BN800, a fast reactor model, then they are saying that they would put in a significant amount of the money themselves. So we are currently considering some discussions with them to figure out what would it take to get them to dispose of their plutonium in parallel with our disposition of plutonium pursuant to the commitment that this administration and the previous administration have made to developing the MOX program, this MOX facility now in South Carolina. Senator Graham has been a strong leader on these issues both as to the facility itself but also as to the importance of reducing the plutonium footprint worldwide.

Senator CORNYN. If we were to delink the U.S. and Russian plutonium disposition programs, what would be the likely impact on the Russian program and on the U.S. program?

Mr. PAUL. I think it could have a significant impact on the extent to which the international community would be willing to contribute to the Russian program. Now the DOS has advised they think the probability is lower and lower that the international community is going to support this with funding at a greater and greater level. That's a lot of qualifiers. There's still an opportunity here for the international community to provide significant support. I think if you delink it right now, you would probably send a strong message to those contributors that causes them to be even less receptive.

Senator CORNYN. If Russia decides to head down a different path, should the U.S. disposition program be considered a nonproliferation program or simply a program of disposing of excess U.S. material that should be considered in a wider context of DOE nuclear material disposition and cleanup?

Mr. PAUL. We think both. This administration and the previous administration both thought that it was important to not only reduce, condense, consolidate the amount of fissile material in this country and its locations and also for the worldwide nonproliferation effort to reduce the threat of people getting their hands on that material that can be used to make a nuclear device. For both of those reasons, we continue to be committed to disposing of that material.

Senator CORNYN. Secretary Flory, 2 years ago Libya declared its intention to renounce all WMD programs and made a full declaration of its considerable chemical weapons stockpile as a first step forward to elimination. The United States has offered to help Libya in that connection and I understand the administration is currently considering which agency of the U.S. Government will be charged with carrying out that assistance. It would seem that the CTR program is the most logical candidate. CTR is aimed at eliminating WMD threats. Congress has provided authority to use CTR funds for activities outside of the former Soviet Union with the specific example of Libya in mind. CTR has the experience and expertise to undertake this activity based upon its experience in Russia and now in Albania. Do you support the use of CTR funds for chemical weapons elimination in Libya and what factors are the administration considering as it weighs its decision? Then let me ask you when you're answering those questions to answer one more. What



is the estimated cost and timeline for carrying out the chemical weapons elimination program in Libya? So do you support the use of CTR funds, what factors are the administration considering as it weighs its decision, and what's the estimated cost and timeline?

Mr. FLORY. Senator, there was a team, a joint team, I think it was the DOS and DTRA team that was there in February at the site. They looked at the site and the surrounding area. It's a pretty remote site. I think it's about 600 kilometers away from Tripoli. The team that went there is supposed to present options sometime next month so given where we are in the month, pretty soon I'll be in a better position to get back to you after that. I think some of the factors that we would look at and I think these would be incorporated in the options that are presented are what are the conditions of the munitions, what are the proliferation risks we believe they pose, what are the technical aspects? For example, one part of the problem I think is going to be transportation. Where these things are now does not have any water and chemical demilitarization is a very water intensive process. So there are a number of issues to be looked at in terms of the threat, in terms of the technical aspects of how we do it, and once we've had a chance to look at the options that are presented, we will get back to Congress I'm sure.

[The information referred to follows:]

I support the current United States position that we are committed in principle to provide United States assistance to destroy Libya's chemical weapons stockpile contingent upon Libya remaining responsible for destruction, United States ability to identify appropriate funding, and United States and Libya conclusion of implementing agreements, to include agreement on division of responsibility.

Factors affecting the Department's decision to use Cooperative Threat Reduction (CTR) funds include the proliferation risk we believe the Libyan stockpiles poses, the threat reduction and proliferation reduction value of eliminating Libyan chemical weapons relative to other CTR WMD elimination and proliferation prevention programs, the condition of the munitions, the technical and logistical aspects of the work, the availability of CTR funding, potential destruction timelines, and overall expected costs.

The Department's CTR fiscal year 2006 and requested fiscal year 2007 funds are committed to other programs assigned high priority by the administration. Use of these funds for assistance to Libya would come at the cost of significantly reduced efforts in these programs.

Department of Defense's (DOD) cost and schedule estimate to destroy/neutralize the Libyan chemical agent and precursor materials is \$142 million and 43 months. With risk and inflation factors removed, the estimated cost is \$75 million. The DOD schedule does not include the time required to staff and obtain a presidential determination to comply with the legislative restriction on performing CTR work outside the states of the former Soviet Union, nor the time required to negotiate and conclude with the Government of Libya the legal architecture to ensure exemptions from taxes/customs and liability protections for United States Government and contractor personnel. Proceeding without this architecture in place could undermine the protections and exemptions negotiated with other countries where CTR work is performed.

Mr. FLORY. The question is, there's DOS nonproliferation money that's available. There's also the CTR money and that's I think the choice you referred to upfront. If we could get back to you when we know a little bit more about the scope of the problem, we'd be pleased to do so.

In terms of the cost, because of some of the factors I just described, including the distances involved, the lack of water, the weather—I understand that it's 140 degrees during the day for most months of the year there—it's going to be fairly expensive. I

haven't seen any figures we have a high degree of confidence in. I do think there's a good chance it will be over a \$100 million and in that case we have to consider what are the opportunity costs of doing that particular bit of work compared to other work CTR or any other program is doing in the former Soviet Union in Central Asia or any of the other places we're working. But we'll be able to talk more with more definition when we have a report back from the team.

Senator CORNYN. Thank you. We look forward to you getting back with us on that. Here again, I guess you raised in your answer the point that I was inquiring about initially, and given not limitless resources, how do we prioritize and focus and as you say the opportunity costs of participating or funding one program at perhaps the expense of others? That continues to be a concern and I know you're working hard on that but that certainly is a concern I have and one that I want to continue to stay in touch with you on.

General Cartwright, let me just ask you quickly, you noted that STRATCOM's focused on improving DOD capacity and increasing resources for WMD elimination and mitigation efforts, but I want to make sure that you have all the capabilities in terms of authorization for the Department to carry out your mission and where in future years do you see your budget requests going in terms of fulfilling that mission?

General CARTWRIGHT. Thank you, Mr. Chairman. My sense is that we have the resources and the authorities that we need to move forward on this mission and move forward aggressively. If there is a point in the future that I would use a crystal ball to say where do I think maybe things are going to change, the area that probably is most vexing right now technically is standoff detection, knowing what's coming to your border and being able to detect that in a technical sense with a degree of fidelity that you're not chasing false alarms on a regular basis and that you can have a level of monitoring that is global to understand what's going on in a global sense in these different processes.

The technical solutions right now tend to be point solutions. We can tell what's in this room but 100 miles away we don't have a good capability of forecasting it's movement. I think that's an area that we will come back to you as we better understand the technical challenge and where we ought to apply our dollars and cents to go after that challenge.

Senator CORNYN. Thank you, General Cartwright. I guess in light of recent events, we need to not only make sure we have the detection capability but perhaps good identification.

General CARTWRIGHT. Identification.

Senator CORNYN. So we know people are indeed authorized to transport radioactive materials, for example.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman. Let me follow up that line of questioning, General Cartwright, with respect to the combating WMD mission. You responded to Senator Nelson that the DTRA is the component commander. Could you elaborate? Do they report to you directly and do they retain planning, budgeting, and command control responsibilities? How does it work?

General CARTWRIGHT. Sir, they are by designation a combat support agency within the DOD which creates a relationship between the chairman and the organization. They have a charter and a set of missions. All of those missions are not necessarily associated with the mission of combating WMD so in the DOD we have set up an arrangement that we've used for a lot of years where we take the director, in this case, and give him what we call dualhatting.

In other words, he has two responsibilities. In the sense of the combating WMD, he operates as a component for STRATCOM to provide those services to all of the regional combatant commanders as they need them. He turns to me when there is competition for resources as the first level of let's see how we should prioritize resources and then also to advocate for additional resources where it's appropriate. So that tends to be the relationship.

Inside the organization what we've tried to do is insert an element of military planning capability that was not there before to bring closer the skill set that's already resident in the DTRA and the skills necessary to service the regional combatant commanders in a timely fashion. So there's a good articulation and we don't have a separation. Oftentimes, your ability to ask the right question is the key in crisis to know what's out there to help you. By bringing the planning skills into the organization, we get closer and draw that relationship closer and that's at the heart of what we're trying to get accomplished.

Senator REED. But you're still—it's a work in progress?

General CARTWRIGHT. It is, yes, sir.

Senator REED. You're also—on a day-to-day basis they're responding about synchronization, the chairman and yourself, and you're trying to get that more synchronized, is that fair?

General CARTWRIGHT. That's fair. In the synchronization or the integration of the process, a lot of what we're trying to do by bringing them into the STRATCOM portfolio, so to speak, is to avail them of a very direct and close relationship with things like intelligence, surveillance, and reconnaissance. So that again, the partnership is much tighter, to the extent that it's appropriate, the information operations that we're responsible for missile defense operations so that you get a more holistic look at choices and as customers, so to speak. The regional combatant commanders come in the door and they can expect not only a direct answer to maybe the wrong question, but the opportunity to find the right question and the right set of answers.

Senator REED. What's STRATCOM's role in the PSI?

General CARTWRIGHT. We work closely, through DTRA and through the operational forces, and, again, this is why the planners are so critical, along with the lead agency, the DOS to one, set the environment and, two, to provide when necessary the operational planning and execution skills that are necessary for a particular action.

Senator REED. Have you exercised this function yet?

General CARTWRIGHT. We have in the planning and we have in the seminars and the objective setting and the training activities that go on broadly across the world.

Senator REED. But do you have a—what's the next step in exercising?

General CARTWRIGHT. The next step is a set of exercises that are international in scope led by the DOS that extend through this summer and into next year. We are a key participant in providing support to those and interfacing with not only DOS but with the other governments and their military organizations to ensure services, for instance, we talked about a Navy capability to ensure that that matches up so that if we arrive at a juncture where we are trying to interdict something, that we have all of the right rules, we know how to operate together, we know who's to talk to who, and all of that gets laid out. That's the part of the exercise and planning activity that we're trying to bring.

Senator REED. Special Operations Command (SOCOM) in the QDR has been given similar responsibilities, at least closely allied. Can you talk about your link-up with SOCOM, particularly going forward?

General CARTWRIGHT. Sure. There is a very tight relationship between SOCOM and STRATCOM, particularly in the areas of the intelligence, surveillance, and reconnaissance. In the area of combating WMD, the teams that we put together that have been called render safe but have the skills of the explosive ordinance disposal people, the skills that are brought to the table by the DTRA, bringing those together in a way that we can deploy them in a timeline that's appropriate that we can figure out what the size and availability of them, how many of these teams do we need, how robust do they have to be. All of those things seem to be growing over time. Where do we want to take these teams? Those are the types of things that General Brown and I work on a regular basis. Our staffs are linked both virtually and physically and we come together at the DTRA in that planning cell and in the technical expertise that Dr. Tegnalia and his organization bring. So it is a very close relationship.

I will tell you that SOCOM is probably more focused on the execution side of this activity. We're trying to prepare the battle space, make sure that they have the tools necessary, as we do for each regional combatant commander.

Senator REED. Can you comment briefly on the mission of the Global Innovation and Strategy Center?

General CARTWRIGHT. I talked a little bit about that with Senator Nelson's question, but the idea here is that there emerge questions for which we often don't have answers. In order to get the answers and get inside the decision cycles of an adversary who would operate with some limited knowledge or work in our seams, we have established an opportunity to reach out to the commercial sector, both U.S. and abroad, and to the academic sector. The idea here is if I have a problem I grab the smartest and brightest people in the world, get them into, my phrase, a hot, sweaty pile, and not let them out until we have a potential answer. [Laughter.]

Senator REED. That's good enough. [Laughter].

We don't want to go any further with that.

General Cartwright, in your testimony, you describe one of your key initiatives as improve and expand U.S. Forces capabilities to locate, track, and tag shipments of WMD. Could you provide some

amplification there about what you're doing and do you need additional resources to do this?

General CARTWRIGHT. This is another very close partnership with SOCOM because they work in this area and have worked in this area for a lot of years. The acknowledgment here is that the finding and fixing part of this cycle is probably broader than just radiological activities. In a find and fix activity you must tag it so that you know where it is and you can keep track of it. We must expand this effort to other vexing problems like mobile threats that we have, missiles, et cetera, and so the intent here is to broaden the activity not to diminish or dilute what SOCOM is trying to accomplish. Start to broaden it out and make it available to the other regional combatant commanders for a broader set of targets.

Senator REED. Just a final point and maybe just a very quick response, it seems to me that this function is intimately involved with the national intelligence capability. What's your general satisfaction level with the integration, with the new regime of intelligence in the United States?

General CARTWRIGHT. I will tell you that what we are trying to do on the DOD side is focus, through STRATCOM, to the DNI and his organization a single portal, so to speak, where the needs are coming from one voice and one place that are aggregated from all the regions. Not to cut anybody out but to get them correlated and collated in a way that the IC can respond. That is starting to create synergies that we were unable to realize before because once we understand the problem and we can work at it together, many of these threats that we deal with today and we anticipate we'll deal with in the future operate in the seams of authorities. So by having that single portal and being able to get it very tight and very close—and essentially we will open a center here in the next month at Bolling Air Force Base in the DIA spaces that bring the DNI's capabilities along with the DOD's capabilities, at least to a common floor for operations so that we can see each other's problems, look at the opportunities to solve them in a way that creates synergy rather than the old constructive need to know. If you don't know the right question to ask, you don't necessarily get what you need.

Senator REED. Thank you, General. Thank you, Mr. Chairman.

Senator CORNYN. Senator Clinton.

Senator CLINTON. Thank you, Mr. Chairman. I want to follow up on the line of questioning first by the Chairman and then by Senator Reed.

Mr. Paul, with respect to the cost of the U.S./Russian disposal program, what is the approximate cost? What are we talking about when you say that the Russians won't do it the way that we would prefer unless they're paid for it and the international community may not want to bear the cost? What are we talking about in terms of dollars?

Mr. PAUL. For the Russian program?

Senator CLINTON. Right.

Mr. PAUL. Or the Russian side? I'm hesitant to quote an exact price from their recent validated baseline. I'm thinking \$2.7 billion is what they're saying.

Senator CLINTON. So we're talking about \$2.7 billion?

Mr. PAUL. I believe so.

Senator CLINTON. Where is the source of that money if it comes internationally? Who contributes to that \$2.7 billion?

Mr. PAUL. I believe that France has made a pledge of a few hundred million dollars. I don't know the exact number.

It's a couple million dollars because the MOX technology is of French origin. I shouldn't say that's why but there is a connection there. They actually have that technology. So the French have made a commitment if the fuel were MOX. There are a few others who have not made firm commitments, I believe, but have said that if the project goes forward they would be interested in making contributions. I don't know exactly how much money has been firmly committed by the international community. It's something that I will get you.

It turns out I do know how much. [Laughter].

Senator CLINTON. Thank goodness for those people who sit behind us.

Mr. PAUL. It turns out I'm told that we have pledges totaling \$844 million.

Senator CLINTON. Will this be an issue for the President to raise at the G8?

Mr. PAUL. I think that it is. It's something that we've discussed anyway about having that be mentioned and nonproliferation cooperation is something that the President has mentioned in the international fora in the past. I think this is an issue that the Russians—I don't know about MOX specifically but nonproliferation efforts is something that I believe that Russia as chair will raise as well.

Senator CLINTON. We might want to emphasize that, Mr. Chairman, because I think your questions really go to the heart of whether the single biggest threat, the one that we were most interested in trying to address over the last several years, will be addressed and finalized at some point. So maybe we could follow up on that.

Mr. PAUL. I appreciate that thought too, on the G8 Summit. I will follow up with that. I'll also get you a breakdown of the \$844 million to tell you which countries have made those pledges.

[The information referred to follows:]

As a part of the Group of Eight, the Global Partnership against the Spread of Weapons and Materials of Mass Destruction is a significant force to enhance international security and safety. The G-8 has committed to raise up to \$20 billion through 2012 to support Global Partnership projects primarily in Russia, such as the plutonium disposition project. As of now, international donations to the plutonium disposition are as follows:

[In millions of dollars]	
United States .....	\$400
United Kingdom .....	133.6 (70,000,000 British pounds)
Canada .....	57.4 (65,000,000 Canadian dollars)
Japan .....	100
Italy .....	102 (80,000,000 Euro)
France .....	76.5 (60,000,000 Euro)
Total .....	\$869.5

Senator CLINTON. I appreciate that, Mr. Paul. Let me follow up on the line of questioning by Senator Reed. When the panel describes the various entities that are now part of our threat reduc-

tion nonproliferation strategy it really does sound like alphabet soup. It sounds like there are lots and lots of cooks in the kitchen and when everybody's in charge, nobody's in charge. I'm concerned about duplication, I'm concerned about gaps, and I think it would be useful to get a matrix that actually lays out who is responsible for what, how they interact, what shared lines of command there may or may not be. I very much appreciate the work that everyone is doing on this but, for example, Mr. Paul, not to pick on you, but the DOE's Global Initiatives for Proliferation Prevention Program is incredibly important to ensure that WMD experts from various countries are redirected to peaceful jobs, don't end up in Iran, or you name it at this point.

However, I'm also aware there's a DOS program that is focused on the similar objectives. Are these programs duplicative? Are they complementary? What mechanism is in place to ensure proper coordination? This is just a tiny example of what I see as a very broadly dispersed responsibility on the biggest threat we face.

Mr. PAUL. It's a good question and a good point. They are complementary but if you weren't on top of them day-in and day-out and making sure that you have good coordination and communication, they could stumble over themselves. The programs for proliferation prevention and the complementary DOS program, something that this administration and the previous administration both supported, and has been very successful, but there is the potential for them to stumble over each other. That hasn't happened. We've worked very well together using the DOS's centers, if you will, for collecting the technical capabilities and our piece which is more deploying it into the nuclear weapons facilities. We reach out and we look for scientists, whether it be Russian scientists, former Soviet Union scientists, Libyan or Iraqi scientists, and we go out and try to link them up with peaceful uses, as I know you're familiar with this program. The DOS maintains a clearing house of that but quite frankly you are making a very good point that if you didn't communicate, if we didn't have such a good relationship between our program and theirs, it could be difficult to manage.

Senator CLINTON. I really appreciate that and as I say maybe, Mr. Chairman, our staffs could work with our witnesses and others to put forth that kind of matrix because everyone gives lip service to the fact that this is the most dangerous threat we face and there are lots of those cooks in the kitchen and I just want to know who the chef is and who the point person is. It's in DOD, it's in DOS, it's in DOE, so it would be helpful at least to me if we could try to sort that out.

My final question that really would go to each of you which is to add a layer of further complexity on this, we do have the IAEA, which is responsible for promoting peaceful uses of nuclear technology and then ensuring insofar as possible that those technologies are not used to develop nuclear weapons and it does so largely in its role as a watchdog. Increasingly, the IAEA is playing a major international role. It frankly has credibility that sometimes we and our allies lack. It has access as it now does for example to Iranian nuclear sites that we could only dream of. I worry that we're not doing enough to bolster and support the IAEA and there developed a kind of antagonistic relationship for all the reasons we

know. So let me ask each of you, starting with Secretary Flory, is there more we could do to help bolster the IAEA by, for example, sending more U.S. personnel to Vienna, Austria, or helping to provide technology or working better to coordinate with them?

Because I think increasingly we're going to need an agency like that given what is, I think, the appropriate warning or caution that Mr. Paul gave that we're on a fast march toward nuclear proliferation and I wish we could do more to reign it in. I think there are some things we could do. It may or may not be inevitable but the fact is, it's happening. So what do we do to really bolster the IAEA as a necessary component of our efforts to try to watch that and prevent insofar as possible?

Mr. FLORY. Senator, you raise a very good point. The IAEA plays an extremely important role and after decades when it was there and frankly didn't get a lot of attention because things were moving along, it first came into world view after the first Iraq war when it was learned how much Iraq had been able to accomplish under IAEA scrutiny and that led to the development of stronger safeguards by the IAEA and most recently in the case of Iran. In terms of resources and things like that, I think—I don't know if I'm allowed to do this but if I can take your question for the record vicariously on behalf of Bob Joseph who was unable to be here—[Laughter].

[The information referred to follows:]

The United States has long been at the forefront of efforts to strengthen the International Atomic Energy Agency's (IAEA) ability to deter, detect, and respond to nuclear proliferation. When the IAEA safeguards system was being developed, we provided much of the technology to verify and monitor nuclear material and facilities. After the first Gulf War revealed the extent of Iraq's clandestine nuclear activities, we supported the successful development of the additional protocol, to strengthen the ability of the IAEA to detect undeclared nuclear activities and change safeguards from a culture of accountants to one of detectives. When the IAEA budget was stretched thin by the added demands of strengthened safeguards, we stepped in to fill the gap in safeguards through our annual voluntary contribution—the largest by far by any member state—and by persuading IAEA member states in 2003 to support an increase in the safeguards budget.

President Bush submitted the IAEA Additional Protocol to the Senate for advice and consent to ratification in 2002, and welcomed the Senate's approval in 2004. The President also called for universal adoption of the Additional Protocol and the creation of a new special committee of the IAEA Board to examine ways to strengthen the agency's safeguards and verification capabilities. Working closely with the IAEA Director General, we are pleased that the new special committee began its important work late last year.

The United States has also worked with others on the IAEA Board to reinforce the essential role of the U.N. Security Council in addressing noncompliance with safeguards obligations, as that role was embedded in the IAEA Statute almost 50 years ago. In September 2005, the IAEA Board of Governors found Iran in non-compliance with its safeguards obligations, a formal finding that requires a report to the Security Council. The Board also found that Iran's nuclear activities raise questions concerning international peace and security that are within the competence of the U.N. Security Council. In February 2006, the Board reported the Iranian case to the Security Council, and the Council added its authority to the IAEA's calls on Iran through a Presidential statement in late March. Thus, as the U.S. strongly advocated, the Security Council has not supplanted the IAEA effort, but instead reinforces it.

One clear lesson from the Iran case is that some states will skirt their obligations under the Nonproliferation Treaty (NPT), or cynically manipulate the provisions of the NPT to justify the acquisition of sensitive technologies that enable them to pursue nuclear weapons capabilities. These are the very capabilities the Treaty is intended to deny. To close this loophole, the President has proposed measures to halt the further spread of uranium enrichment and plutonium separation capabilities be-



yond those states that already operate full-scale, fully functioning facilities. These sensitive fuel cycle capabilities are—the two primary paths to acquiring fissile material for nuclear weapons. In return, he called on the world's nuclear fuel suppliers to ensure that states that forego enrichment and reprocessing have reliable access at a reasonable cost to fuel for civilian reactors. We are working with other fuel provider states and with the IAEA to put in place reliable fuel service arrangements that will convince states with power reactors that their best economic interest is not to invest in expensive, and proliferation risky, fuel cycle capabilities.

The IAEA relies on its member states to meet its needs for expertise and for developing and applying technology to meet safeguards needs and challenges. The U.S. Support Program is by far the largest and most comprehensive of the 18 Member State Support Programs. Over the years we have provided most of the basic technology for measuring nuclear materials and monitoring for possible diversion of those materials from peaceful nuclear activities. We provided experts who helped develop the system and structure of IAEA safeguards. When the IAEA needs novel or unique capabilities to respond to challenges in particular countries, such as Iran or North Korea, the United States has always stood ready to respond. Currently, we are sponsoring 12 full-time experts and 35 interns, junior professionals and part-time consultants, and working on 80 other projects in collaboration with the IAEA Safeguards Department. We are committed further enhancing IAEA safeguards in the context of the Global Nuclear Energy Partnership, in order to facilitate the growth of nuclear energy to meet the world's growing energy needs.

Mr. FLORY. I'm sure he'll appreciate my doing this, but DOS is the lead and we'll obviously be happy to contribute to answering that question in any way we can. But since it's a diplomatic mission they probably are the best people to pull together an answer on that.

I think what is tremendously important is that, and this is again something where the DOS is in the lead for us, is that the matter of Iran be handled successfully. The IAEA has grappled with this under the leadership for much of that time of a particular group of members but as you've mentioned it's focused attention on the IAEA and I think it's important for the overall, for the internationally established safeguard network, that the international system that we're working with be able to solve this problem.

Senator CLINTON. General, do you have anything to add to that?

General CARTWRIGHT. I would just say that there are certainly things that we can do in partnership. The obvious ones are training, standards, technical experts, and making sure that we're on a common sheet of music, so to speak, in advocating for those standards and once they're accepted, then advocating globally for them. Those are critical pieces. There are also pieces that we probably ought to sit down in another session and talk a little bit about what we could do to assist them in setting the conditions for their ability to do their job.

Senator CLINTON. That would be very helpful. I'm sure that you've given thought to that and it might be something that we could look at.

Mr. PAUL. That's actually something that the President's focused on quite a bit, increasing the funding for the IAEA, continuing to provide the technical basis and supports that the IAEA and Director El Baradei needs. Every one of the more than 200 nuclear weapons inspectors at the IAEA were trained at Los Alamos National Laboratory here in America here within the NNSA. We're very proud to continue to fund that training. They come here to learn how to do what they do to keep the world safe.

We led the way to strengthen the IAEA's ability to detect nuclear proliferation. We instituted a successful effort to increase the safe-

guards budget. The United States of America is the single largest contributor to the budget of the IAEA. In fact, we are even a larger contributor by percentage basis to the IAEA than we are to the U.N. There's 128 members of the IAEA. We provide one-quarter of all the funding. We also provide a lot, on a rotational basis, of our technical experts from our national laboratories and with Ambassador Greg Schulte, our recently sworn-in ambassador to the U.N. mission there, along with our office, our DOE office there, we have engaged in an effort to increase the number of U.S. origin persons and experts that go to the IAEA and work internally. It's something that I've spoken personally with Director El Baradei about.

I have one deputy director general on his board who is American, who's actually the Deputy Director General for Management for the IAEA and I am in a process right now of increasing the number of technical experts that we send over there. These are excellent points and they're things that we are working on on a day-to-day basis. I think that it's a good testament to the leadership of the President and the leadership of Director El Baradei. We've made some progress but we can do more.

Senator CLINTON. Thank you. Thank you very much, gentlemen. Thank you, Mr. Chairman.

Senator CORNYN. Thank you, Senator Clinton. I, too, think it would be interesting to see that wire diagram.

Senator CLINTON. Yes.

Senator CORNYN. May be instructive for all of us.

Mr. Paul, the Megaports program is a DOE nonproliferation program to install nuclear detection equipment at major international seaports. Last Friday, March 24, a couple of newspapers ran articles alleging that through the Megaports Program the United States was contracting with foreign companies to scan cargo for nuclear materials. Could you please explain to us what the Megaports Program is and how it operates at international seaports? If you would also tell us what would be the role of private contractors in the Philippines, the Bahamas, and other countries where the Megaports Program is being conducted?

Finally, who will actually operate the radiation detection equipment and how confident can we be that it will not be tampered with?

Mr. PAUL. We can be very confident that the equipment and the material, the data stream that we get from it, and the analysis of it will not be tampered with.

Let me tell you a little bit about the Megaports Program. This is a fantastic program. It's an opportunity for us to have an additional layer of defense and protection in order to detect the illicit trafficking of nuclear and radiological material through some of the major ports with the most throughput outside the United States, ports through which cargo would travel before it ultimately comes to a U.S. port.

We are currently up and running with our radiation detector equipment that we deploy in four ports. We have 10 this year that we have in construction mode and we have another 35, 40 that we're in negotiations with right now. It's a program that works very much in tandem with the DHS Container Security Initiative (CSI). CSI has U.S. Federal customs agents onsite at foreign ports

who through profiles review manifests of cargo to identify containers, for example, that should have further review, inspection, and detector inspections. What we do is we put equipment in these foreign ports. We train the operators. These are foreign port Federal Government operators.

So, for example, we go into the Port of Bahamas and we train their customs officials, because it's their port to operate and analyze the data that comes from a radiation detector, a gamma ray detector, and a neutron detector, which is in that port. If a cargo container were to come through that portal and an alarm were to sound that data goes to a central alarm station that is manned by a government official. It is a customs official from the host government because these are in foreign government's ports. I think what was stated in a newspaper was not exactly correct.

Senator CORNYN. That would surprise me.

Mr. PAUL. Yes, I know. To set the record straight, in the Bahamas and in all other Megaports ports and in all future Megaports ports the equipment and the data collection is operated by a Federal Government agent from the host country. Now, obviously, we have to work out agreements with the port on the logistics and how the ports themselves are operated so that, for example, if a terminal is owned by a private company, we can't change the fact that a private company operates it, but our radiation detection equipment in there is not operated by that private company, is not touched by that private company, it cannot be tampered with by that private company. If it is tampered with, we get an immediate alarm, a signal. If it's defeated so that there is a break in the signal, we get an immediate alarm. We also have technologies that allow us to be very vigilant in this setting, I'll say that.

Senator CORNYN. I would note that we just got word that there is a 15-minute vote on the floor, so we're going to be wrapping up here rather quickly. What is the role that U.S. Government personnel play at those foreign ports?

Mr. PAUL. In most of those foreign ports, the CSI program is already in place where there is a U.S. Federal customs official reviewing manifests. We typically go into a port with Megaports and add the detector capability at a port where there is already CSI and therefore already a U.S. Federal customs official. In those instances, which is most of them, if a Megaports alarm were to sound and a government official from the foreign port got that alarm, it is common that that person would contact his counterpart, the U.S. Federal customs official there, but it's not a requirement. In the absence of a U.S. Federal customs official there, they go straight to the embassy and then the embassy calls me or calls our office. But under no circumstances is a private company in control of that data nor can they tamper with it.

Senator CORNYN. Thank you. Mr. Flory, my last question and then I'll turn it over to Senator Reed, has to do with the CTR program and notwithstanding the success that that program has enjoyed, we see the CTR budget declining this year and it looks like CTR budgets will either remain flat or even decline further over the 5-year defense plan. It strikes me as odd because we also have a request for a \$44.5 million supplemental for the CTR program to fund accelerated security improvements at Russian warhead sites

agreed to by President Bush and President Putin at the Bratislava Summit, as has already been testified to.

Could you explain that and in particular there's been some discussion as I know you know about the use of supplementals to fund ongoing operations of the DOD, and why a supplemental is the appropriate way to go here as opposed to putting it in the baseline of the DOD budget?

Mr. FLORY. Mr. Chairman, in terms of the supplemental request, I don't know precisely the answers to why that request came in as a supplemental. I suspect that it had to do with, and this is a problem we have in many cases, where the budget cycle is such a long drawn out process that sometimes things have changed and requirements have changed over time. We do need the money to spend now in fiscal year 2006. That's what's driving—and the fact that it's part of a program that is specifically designed to accelerate a preexisting program that was supposed to take until 2012 and is now supposed to take until 2008. With respect to this year's budget specifically, you're right, last year was I think about \$409 million and this year we go down to \$372 million. That reflected actually the program expectations at the time and in particular the fact that the assumptions driving the budget at the time the budget was put together assumed that there was going to be a drop-off in funding for Shchuch'ye.

Now, as I told you earlier, we have a delay in the Shchuch'ye project. We do not assume that that delay is going to transform into an additional financial requirement. Right now we only know that it's going to take more time. If it were to turn out that more funding were required, we'd have to come back, but it's a function of the budget having been developed about a year ago and some of the problems only becoming manifest now.

Senator CORNYN. Thank you.

Senator Reed.

Senator REED. I just want to quickly follow up. You've mentioned Shchuch'ye but I have a series of specific questions about the delay, about the potential budget authorities that might be necessary in the future, and when live agent production will be—destruction I should say, not production, destruction—we're destroying we're not producing.

Thank you. Thank you, Mr. Chairman.

Senator CORNYN. Gentlemen, thank you very much for your testimony. As you can see, there's a lot of interest in what you do and in our country's security when it comes to proliferation, non-proliferation, and counterproliferation and counterterrorism efforts and we very much appreciate your service to our Nation and your willingness to take on this challenge. We want to be supportive of those efforts. We want to know what resources and authority that you need in order to do your job even better.

The hearing will now conclude but we'll leave the record open for 48 hours in case there are other members of the committee who'd like to submit additional requests for information. Thank you very much. We are adjourned.

[Questions for the record with answers supplied follow:]

## QUESTIONS SUBMITTED BY SENATOR JOHN CORNYN

## FISSILE MATERIAL DISPOSITION PROGRAM

1. Senator CORNYN. Mr. Paul, the fissile material disposition program, under which the United States and Russia committed to dispose of 34 metric tons of surplus weapons-grade plutonium, is laudable in intent, but has been plagued by numerous problems: There was a 2-year delay in the program due to an inability to agree on liability issues for U.S. contractors. Though an agreement has now been reached, it still awaits Russian signature and ratification by the Russian Duma. The impasse over liability caused the United States to postpone construction of the U.S. Mixed Oxide (MOX) Fuel Fabrication Facility in South Carolina in order to maintain parallelism in the program. A December 2005 Department of Energy (DOE) Inspector General (IG) report criticized the management of the U.S. program and assessed that the cost of the U.S. MOX facility will be \$3.5 billion—\$2.5 billion more than the original DOE estimate in 2002.

The fiscal year 2007 budget request for the MOX program is \$638.0 million—nearly one-third of the total DOE nonproliferation request for fiscal year 2007. Now it appears that the Russians are no longer committed to the program as originally conceived.

Why hasn't Russia signed the liability agreement it reached with the United States last year?

Mr. PAUL. The United States and Russia successfully completed negotiations of a protocol covering liability protection for the plutonium disposition program in July 2005. The protocol is currently under final review within the Russian Government and is expected to be signed in the near future. We have been reassured by officials from the Russian Ministry of Foreign Affairs and the Russian Atomic Energy Agency that there are no substantive problems with the agreed language, but rather it is a question of the protocol undergoing a complete interagency review that has been moving more slowly than expected. While we are disappointed with the delay in signing, we continue to believe that the protocol will be signed.

2. Senator CORNYN. Mr. Paul, since Russia has indicated this agreement must be ratified by the Russian Duma, are there risks in spending additional U.S. taxpayer dollars on the Russian program before the Duma has approved the liability agreement?

Mr. PAUL. I believe the risks are minimal. Russian officials have assured us that once the liability protocol is signed, the two sides can work together to seek interim arrangements to enable the terms of the protocol to be applied provisionally.

3. Senator CORNYN. Mr. Paul, do you believe Russia is still committed to disposing of excess plutonium through the MOX program? If not, what are the costs, benefits, and risks to the U.S. of going down another disposition path with Russia?

Mr. PAUL. Yes, I believe Russia remains committed to disposing of 34 metric tons of its surplus weapon-grade plutonium. Recent high-level meetings with officials from the Russian Atomic Energy Agency indicate that Russia would proceed with the disposition program using primarily light water reactors were full funding available from the international community. At the same time, Russian officials have expressed their desire to explore the use of fast reactors for their disposition effort, which is consistent with the 2000 U.S.-Russian Plutonium Management and Disposition Agreement as well as Russia's future energy policy. We are now actively engaged with Russia on exploring ways to shift the program in a direction that will garner Russian commitment, political as well as financial. The absence of such a commitment has been a major factor accounting for the delays in their cooperation.

4. Senator CORNYN. Mr. Paul, do you believe the U.S. and Russian programs should continue to be linked? Should they still proceed at a parallel pace?

Mr. PAUL. The United States and Russia remain committed to proceeding with plutonium disposition in parallel, to the extent practicable, as called for in the 2000 agreement. However, vastly different political and regulatory infrastructures make meeting milestones for U.S. and Russian plutonium disposition facilities at the same time difficult. The Department is ready to start construction of the U.S. MOX facility in 2006, even though the Russian program has lagged behind. However, the Russian Government has recently signaled its intent to begin early disposition of limited quantities of weapon-grade plutonium in its existing fast reactor well before the United States could begin disposition of its plutonium. Moreover, the United States and Russia are exploring the use of other advanced reactors for disposing of the balance of the 34 metric tons of Russian plutonium.

5. Senator CORNYN. Mr. Paul, if we were to delink the U.S. and Russian plutonium disposition programs, what would be the likely impact on the Russian program and on the U.S. program?

Mr. PAUL. The 2000 Agreement commits the United States and Russia to dispose of 34 metric tons each of surplus weapon-grade plutonium in parallel to the extent practicable. While the U.S. is prepared to proceed with construction of its MOX facility, Russia is still considering various disposal options to meet its commitment. Consequently, the U.S. has concluded it's no longer practicable to link construction and operation of its MOX facility to the achievement of similar milestones for a MOX facility by Russia. The U.S. believes its approach will enable both countries to achieve commitments under the 2000 Agreement in a timely and cost-effective manner.

6. Senator CORNYN. Mr. Paul, in that case, should the U.S. disposition program still be considered a nonproliferation program? Or is it then simply a program for disposing of excess U.S. material that should be considered in the wider context of DOE nuclear material disposition and cleanup?

Mr. PAUL. Yes, the U.S. program is still a critical nonproliferation effort because it will yield important nonproliferation benefits by eliminating weapons usable nuclear material and demonstrating its leadership in nonproliferation to the rest of the world.

7. Senator CORNYN. Mr. Paul, does DOE have a plan to present to Congress a clear path forward for both the Russian and the U.S. programs before we put any more funds into the program?

Mr. PAUL. A detailed cost estimate and schedule baseline for the construction of the U.S. MOX facility is currently being developed and will be validated before construction begins as part of the DOE's Critical Decision process. The Department will submit to Congress a report on the cost and schedule baseline for MOX facility by December 2006. As for the Russian program, the two sides are working together to explore other disposition alternatives based on the use of advanced reactors for plutonium disposition. In this regard, Russian officials have signaled their intent to begin early disposition of limited quantities of weapon-grade plutonium in its existing fast reactor well before the United States could begin disposition of its plutonium. Moreover, the United States and Russia are exploring the use of other advanced reactors for disposing of the balance of the 34 metric tons of Russian plutonium. Joint U.S.-Russian technical working groups are being established to discuss early Russian disposition, with the first meeting planned for May 10-12, 2006. At this time, we cannot predict how long the preparations will take.

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#### QUESTIONS SUBMITTED BY SENATOR JACK REED

##### MEGAPORTS AND THE SECOND LINE OF DEFENSE PROGRAM AND OTHER BORDER SECURITY INITIATIVES

8. Senator REED. Secretary Flory and Mr. Paul, the Department of Homeland Security (DHS) Domestic Nuclear Detection Office (DNDO) plans to establish a global architecture for international border security. How will this be coordinated with the Department of State (DOS), which has the lead responsibility in coordinating efforts of the DOE and Department of Defense (DOD) to prevent nuclear smuggling overseas?

Mr. FLORY. I would refer you to DHS's DNDO and the DOS for an understanding of the coordination mechanisms between the two organizations regarding DNDO's global architecture.

Mr. PAUL. The DNDO's responsibility to develop the global architecture for radiation detection does not obviate the need for the DOS's coordination role. In coordination with the DOE, DOD, and DOS, the DNDO is focused on developing the overarching multi-layered strategy for protection of the U.S. from an act of nuclear terrorism (i.e., the Global Architecture), developing more advanced detection equipment, and examining methods to facilitate U.S. receipt of information on potential nuclear threats in near real-time. The DOE continues to have the responsibility for the international deployment of radiation detection systems and will continue to consult with DOS on its international cooperation programs. DOE is a participant in the Nuclear Trafficking Response Group, which is chaired by DOS and is responsible for facilitating the coordination of the U.S. Government response to all international origin nuclear detection alarms.

9. Senator REED. Secretary Flory and Mr. Paul, how does the global architecture apply to DOE and DOD programs?

Mr. FLORY. DOD policy and program personnel who work on the Cooperative Threat Reduction (CTR) program's Weapons of Mass Destruction-Proliferation Prevention Initiative (WMD-PPI) have been coordinating closely with DNDO in the development of DNDO's international radiation and nuclear detection capabilities data base—one component of its global nuclear detection architecture.

DOD's CTR policy office has provided to DNDO specific information on the deployment of radiation detection equipment that has been provided through its WMD-PPI program, as well as general WMD-PPI program background information.

DOD is placing provisions in its WMD-PPI agreements with CTR program recipient states that require reporting, through the U.S. Embassy, when any WMD-related material is detected through the use of U.S. Government-provided equipment. These reports are sent back to the State Department, which shares them with DNDO.

As its WMD-PPI projects mature, CTR Policy will continue to provide project information that is relevant to DNDO's mission.

I would refer you to DOE for an understanding of how DNDO's global architecture applies to its programs.

Mr. PAUL. As the primary agency responsible for international deployment of radiation detection equipment, we work closely with DNDO to shape the global nuclear detection architecture. The National Nuclear Security Administration (NNSA) routinely exchanges programmatic and technical information with DNDO to determine how the efforts of the Second Line of Defense program can enhance the external layer of the Global Architecture.

10. Senator REED. Secretary Flory and Mr. Paul, in a report released Monday, March 27, 2006, the Government Accountability Office (GAO) recommends that the National Security Advisory, acting through the National Security Council staff, issue a plan "guiding the implementation and coordination of threat reduction and nonproliferation programs addressing border security." How does the DHS global architecture fit within this recommendation?

Mr. FLORY. I would refer you to DHS and the National Security Council regarding this recommendation.

Mr. PAUL. The DHS's DNDO efforts to establish this global architecture are focused on baselining the current detection capabilities both domestically and internationally and identifying the "gaps" where the establishment of detection or interdiction capabilities is required. According to the terms of National Security Presidential Directive (NSPD)/HSPD that created this office, the DOE, DOS, and DOD remain responsible for the policy and implementation of their respective international border security programs. As such, the National Security Advisor retains the authority to guide the implementation and coordination of such programs.

11. Senator REED. Mr. Paul, could you briefly describe the DOE Megaports program and explain how it is coordinated with the DHS's Container Security Initiative?

Mr. PAUL. The Megaports Initiative is a bilateral international nonproliferation program under which DOE/NNSA cooperates with its foreign partners to enhance host nation capability to deter and detect illicit trafficking in special nuclear and other radioactive materials in the international maritime trading system. Under the Megaports program DOE/NNSA provides radiation detection systems, training in use of the systems, and technical and sustainability support to appropriate host nation law enforcement officials. Once installation, training, and system evaluation is complete, ownership of the equipment and responsibility for its operation transfers to the host government. The host government is obligated to provide all data associated with detections or seizures made as a result of the use of DOE/NNSA supplied equipment to the U.S. Government.

DOE/NNSA and DHS/Customs and Border Patrol (CBP) have built a strong, effective relationship and closely coordinate on the planning and implementation of the Megaports Initiative and the Container Security Initiative (CSI). The Megaports Initiative enhances CSI targeting and scanning activities at foreign seaports by providing an additional scanning tool to detect nuclear and other radioactive materials in cargo containers prior to being loaded on vessels bound for the United States. The broad extent of coordination between CSI and the Megaports Initiative is evident in the number of joint outreach missions and port assessments we have undertaken, the joint agreements we have already signed with host governments, and our efforts to identify additional opportunities to jointly implement both programs. Finally, for the ports where CSI personnel are present, NNSA is developing proce-

dures with our host country counterparts whereby CSI is notified of alarms on containers bound for the United States.

12. Senator REED. Mr. Paul, some have suggested that these two programs be combined into the DHS. What are your views on this idea? Would you recommend for or against this proposal?

Mr. PAUL. For a number of compelling reasons, I believe that it is imperative that the Megaports Initiative remains within NNSA. The Megaports Initiative is a key component of our larger strategy to prevent the diversion of nuclear weapons and material. As an extension of our efforts to enhance the security of Russia's nuclear complex, the deployment of radiation detection monitors at land borders, airports, and seaports under the Second Line of Defense program, which includes the Megaports Initiative, provides another opportunity to prevent terrorist organizations access to nuclear or other radiological material. The NSPD that established the DNDO clearly acknowledged DOE/NNSA's role as the primary source of expertise in dealing with issues related to special nuclear and other radioactive materials. Leaving the Megaports Initiative within NNSA will allow us to continue to leverage this expertise and build upon our solid record of successfully managing international nuclear nonproliferation programs.

To ensure a cohesive international port security program, NNSA and DHS's CBP bureau have established a strong, effective partnership that allows us to leverage the unique strengths of both of our agencies. Although we are working towards the common goal of preventing WMD from entering our country, the Megaports Initiative's mission is broader in that we are focused on detecting efforts to smuggle nuclear material, regardless of the destination. Because CSI is focused on screening U.S. bound containers, merging the two programs could result in lost opportunities to seize smuggled material or weapons.

Moreover, NNSA has the contractual infrastructure in place and the radiation detection monitors on hand to support deployments into fiscal year 2008. We are gaining significant momentum in expanding the Megaports program with the completion of eight new agreements in 2005 and up to six more agreements in 2006. Transferring the program could delay further expansion indefinitely as it will require DHS to begin anew the building of the expertise and the complex contract/procurement processes necessary for this type of specialized work.

13. Senator REED. Mr. Paul, while we are on the subject of megaports, the GAO report expressed concern about DOE's ability to implement its goal of having equipment at 70 ports in 35 countries. By this spring DOE will have equipment operating at six ports. The fiscal year 2007 budget request for megaports is \$40 million down from \$73 million in fiscal year 2006. How do you get from 6 to 70 ports in any useful period of time with a 40-percent decrease in the budget?

Mr. PAUL. For fiscal year 2006, we identified opportunities to accelerate implementation of the Megaports Initiative and, accordingly, sought additional funding for more ports. We did not initially anticipate opportunities to sign as many agreements in 2006 when we were formulating the fiscal year 2007 budget request. Since we had recently completed agreements with countries of high priority to the Core program we instead requested additional funds to support acceleration of the Core program for fiscal year 2007. To expedite the expansion of the Megaports program, DOE/NNSA is also pursuing cost-sharing arrangements with prospective and current Megaports partners to cover additional ports in each country. Finally, we are exploring arrangements in which we would partner with the private sector port terminal operators to increase the number of international port terminals with radiation scanning capability.

14. Senator REED. General Cartwright, does Strategic Command (STRATCOM) play a role in the planning to prevent global nuclear smuggling?

General CARTWRIGHT. Yes. STRATCOM is an integral part of the DOD's contribution to the Proliferation Security Initiative (PSI). In accordance with Chairman, Joint Chiefs of Staff directives, STRATCOM is identifying and assessing required capabilities, advocating for research and development, coordinating military intelligence, surveillance, and reconnaissance, and providing subject matter experts to international PSI meetings and activities. In conjunction with the Joint Staff and the Office of the Secretary of Defense, STRATCOM personnel are participating actively in the PSI exercise program as players, observers, and/or controllers.

15. Senator REED. General Cartwright, what is STRATCOM's relationship with the DHS DNDO?



General CARTWRIGHT. No formal relationship exists. However, STRATCOM headquarters personnel and the command's component for combating WMD work closely with the DHS on issues related to nuclear detection. The STRATCOM Center for Combating Weapons of Mass Destruction (SCC-WMD) and Headquarters J8 directorate continue to develop a relationship with the DNDO, working to establish and formalize maritime architectures and information sharing. The National Military Command Center and the SCC-WMD are part of the Maritime Operational Threat Response notification system of United States Government departments and agencies to support DNDO's Interagency Nuclear Detection Alarm Adjudication Procedures. The SCC-WMD is also communicating at the working level to establish better links with the DNDO Operation Center, providing DNDO DOD subject matter expertise to further enhance timely/effective agency coordination.

#### CORRUPTION

16. Senator REED. Secretary Flory, General Cartwright, and Mr. Paul, corruption and criminal activity are complicated and pervasive in many areas of the world where there is a threat of nuclear smuggling. The mechanisms for the corruption and criminal activity are equally complicated and are often longstanding arrangements. What can the United States realistically do to minimize the effect of corruption and criminal activity on the efforts to prevent nuclear smuggling?

Mr. FLORY. In a country as large as the Russian Federation, with a well-established criminal element, underpaid military and civil servants, and widely dispersed storage locations far from central control, there is always a threat that local corruption could lead to proliferation. The U.S. response to this concern has been to provide equipment and training that makes it more difficult for either corrupt officials or criminals to obtain nuclear weapons. As a result of the joint statement by Presidents Bush and Putin, the DOD and DOE will complete security upgrades in 2008 to all nuclear weapons storage sites for which the Russian Federation has requested assistance. An automated inventory control and management system is now operational, allowing the Russian Ministry of Defense real-time inventories of its nuclear weapons. In addition, DOD has helped to set up and institutionalize within the Ministry of Defense directorate responsible for nuclear weapons security a personnel reliability program which is intended to protect against any threat from corrupt insiders. Together, these joint efforts improve control of the weapons by their lawful custodians, deny unauthorized access to weapons, and limit the ability of even a corrupt insider to divert any weapon.

The CTR WMD PPI addresses the potential vulnerability of non-Russian FSU states' borders to smuggling of WMD and related components. The program complements the CTR program's traditional focus, elimination of WMD at its sources, by addressing WMD "on the move." Projects help develop comprehensive detection and interdiction capabilities at key ports of entry and along borders to diminish criminal cross-border smuggling activities. These projects help develop concepts of operation and include training to international standards. Data base upgrades and communications to headquarters help provide visibility into operations at outlying locations. These efforts help to professionalize the officers of the border services. Of particular note, the PPI Portal Monitoring Project in Uzbekistan will incorporate an Employee Dependability Program that will assist the Uzbekistan customs and border guard leadership in codifying and enforcing standards of dependability, conduct and behavior commensurate with responsibilities of those operating, maintaining and/or supervising radiation portal monitors.

General CARTWRIGHT. The United States should continue to participate in and advocate for endorsement of and participation in the PSI. The PSI relies upon a supportive global network of partner nations, which share intelligence and conduct unilateral or joint operations in order to limit proliferation activities, including those resulting from criminal or corrupt activities. A multilateral approach to this problem is critical for success, and the United States aids other nations, particularly in regions of concern in minimizing the effect of corruption and criminal activity by fully supporting the PSI, and recruiting other nations to join in this effort.

Mr. PAUL. The NNSA has been working for years to understand and address the effects of corruption and criminal activity on cooperative security programs. First, NNSA strives to maintain an up-to-date, in depth understanding of a range of corruption issues in regions of concern. This involves NNSA commissioned studies by experts at the Transnational Crime and Corruption Center at the American University, Rand Corp, et cetera, and continual review of related foreign press and intelligence. This analysis includes corruption at various levels, including official corruption within governments, and links between corrupt officials and criminal networks

with varying degrees of sophistication. Second, NNSA works to incorporate realistic assumptions about corruption into decisions related to cooperative security and anti-smuggling projects. For example, corruption factors into prioritization models used to rank prospective ports for inclusion in the Megaports program. NNSA also designs security systems to make official corruption more difficult. Measures such as video surveillance at key locations in nuclear facilities or border crossings can provide a viable deterrent. Finally, NNSA is working to increase awareness of corruption and the tools to address it by including the subject in training programs.

Despite these efforts, NNSA recognizes that crime and corruption present a real and lasting challenge to anti-smuggling programs. In addition to measures described above, NNSA relies heavily on redundancy to combat this threat. Redundant layers of security at facilities, regional borders, and in the global shipping system, provide the best defense against nuclear smuggling networks.

#### MOX FUEL PROGRAM

17. Senator REED. Mr. Paul, the United States and Russia agreed to each get rid of 34 metric tons of excess weapons grade plutonium. Without going into the whole history of the MOX fuel program, and the joint agreement to convert excess weapons grade plutonium into MOX fuel for nuclear power reactors, I am concerned about several aspects of the program:

1. The ability of the U.S. and Russian program to move in parallel as agreed;
2. That the Russian Duma will never ratify the liability agreement;
3. That Russia probably is no longer willing to convert the plutonium to MOX fuel; and
4. That the U.S. is rushing to build a multibillion dollar facility to convert plutonium into MOX fuel without a good understanding of how Russia will meet its commitment to get rid of 34 tons of excess weapons grade plutonium and without any understanding of parallelism.

Could you address each of these issues.

Mr. PAUL. The Russian Government has repeatedly stated that it remains committed to the 2000 U.S.-Russian Plutonium Management and Disposition Agreement, and we expect the Russian Government to fulfill its nonproliferation obligations. The United States and Russia remain committed to proceeding with plutonium disposition in parallel to the extent practicable, as called for in the 2000 agreement. We have been reassured by officials from the Russian Ministry of Foreign Affairs and the Russian Atomic Energy Agency that there are no substantive problems with the agreed upon language in the liability protocol, but rather it is a question of the protocol undergoing a complete interagency review that has been moving more slowly than expected. We continue to believe that the protocol will be signed. Russian officials have assured us that once the liability protocol is signed, the two sides can work together to seek interim arrangements to enable the terms of the protocol to be applied provisionally. The Russian Government recently demonstrated its commitment to plutonium disposition by signaling its intent to begin early disposition of limited quantities of plutonium in its existing fast reactor well before the United States could begin disposition of its plutonium. Moreover, the United States and Russia are exploring the use of other advanced reactors for disposing of the balance of the 34 metric tons of Russian plutonium. As a result, we are moving forward with the U.S. plutonium disposition program and plan to begin construction of the U.S. MOX facility at the Savannah River Site later this year. Further delay in construction would increase the cost for the facility, threaten our ability to meet our commitments to South Carolina as set forth in existing law and significantly increase the likelihood the Department would have to pay penalties and take other actions under 50 U.S.C. 2566.

18. Senator REED. Mr. Paul, currently, the U.S. plutonium is safe and secure at the Savannah River Site. I understand there is a desire to ensure that the plutonium stored indefinitely at Savannah River but we need to make sure that we have the right budget priorities before we spend \$2 to \$3 billion to make MOX fuel. Is there an alternative and higher priority use for these funds in DOE?

Mr. PAUL. No. The administration's fiscal year 2007 request reflects the operational priorities of the Office of Defense Nuclear Nonproliferation. We have developed comprehensive metrics and a prioritization model that identifies the highest threats, considers our ability to address those threats over time, and, thus, allows us to align our priorities over the fiscal years accordingly. Both the previous administration and this administration have stated a commitment to dispose of excess plu-

tonium through conversion to MOX fuel for use in commercial reactors. The administration's fiscal year 2007 budget request continues to demonstrate that commitment.

19. Senator REED. Mr. Paul, I should also note that the DOE IG's office recently reviewed the MOX fuel facility and the construction cost estimates. The estimate in 2002 was that the facility would cost about \$1 billion. \$950 million has already been appropriated for the facility. The IG report indicated that the construction cost has more than doubled to between \$2 and \$3 billion. DOE wants to begin construction the end of this year. Is it time to rethink the plutonium disposition program?

Mr. PAUL. Although I understand your frustration with the findings in the Department's IG report on the U.S. MOX facility, I do not believe that it is time to rethink the plutonium disposition program. While it is true that project costs have risen, comparing the current MOX cost estimate to that which appeared in 2002 is misleading and overstates the cost difference. For example, costs appearing in the 2002 report are in 2001 dollars whereas the current estimate: 1) is in future year dollars; 2) reflects sunk costs incurred to date; and 3) reflects a 2½ year delay caused by the liability impasse with Russia. In addition, it must be recognized that the cost increase results, in large part, from circumstances that cannot be fairly attributed to project management. Notwithstanding, the Department has already identified and taken action to address each of the recommendations in the report. These include incorporating performance incentives in future contract negotiations, improving monthly project reports from the contractor, controlling contractor spending, and reviewing contractor performance. Now that the planned date for the start of construction of the MOX facility has been set, the project cost and schedule baseline is currently undergoing an independent review and validation prior to the start of construction. This will enable us to track project performance against the baseline and minimize the possibility of future cost overruns. Plans are also underway to hire a qualified MOX Federal Project Director and to streamline the organizational structure of the project.

#### BRATISLAVA COMMITMENT

20. Senator REED. Secretary Flory and Mr. Paul, at the Bratislava summit, Presidents Bush and Putin agreed to a joint effort to improve security at 15 key Russian nuclear weapons storage sites by 2008. To meet this goal DOE and DOD have divided responsibility for the sites between them and must begin work in 2006. DOE received additional money in its fiscal year 2006 budget to begin its work in 2006, and DOD has requested \$46 million in the fiscal year 2006 supplemental, now awaiting congressional action, to begin work in 2006. With the supplemental does each agency have enough money to do the work needed in 2006 to make the 2008 goal?

Mr. FLORY. If the requested supplemental funds are appropriated as CTR funds (as opposed to operations and maintenance funds), DOD will have, along with its fiscal year 2007 request, sufficient funds to complete the security upgrades at the 8 nuclear weapons sites assigned to DOD for upgrading (of the total 15 sites).

By the end of 2006, DOD also will have completed upgrades at nine other storage sites and three rail transfer sites, while continuing to upgrade security at four other sites begun in 2005. The sites being upgraded are storage facilities for strategic and nonstrategic nuclear weapons.

Mr. PAUL. Given the supplemental funding received by the DOE to meet its Bratislava commitment, DOE has enough funding to meet the 2008 goal of completing its portion of the work at the 15 key Russian nuclear weapons storage site by 2008.

21. Senator REED. Secretary Flory and Mr. Paul, is the work of DOE and DOD coordinated? Previously GAO has been critical of the two agencies for using different approaches for securing materials. Will both agencies be using similar approaches to secure the materials?

Mr. FLORY. DOD coordinates closely with DOE and the interagency to ensure that a common approach is being used to upgrade security for nuclear weapons in the custody of the Russian Ministry of Defense.

Mr. PAUL. Yes, both DOE and DOD have been coordinating on their approaches to work at these sites and have developed preliminary designs to enhance security at similar sites. Meetings between either party and their MOD counterparts are usually attended by a representative from the other agency to ensure continuity of approach.

## STRATCOM

22. Senator REED. General Cartwright, the Quadrennial Defense Review (QDR) appears to give the Special Operations Command (SOCOM) additional responsibility for the render safe role. The DOE and its national labs provide technical support for the nuclear render safe mission. What is STRATCOM's role in the mission to render safe stolen or other WMD, including nuclear devices and do you plan to change these relationships in any way?

General CARTWRIGHT. STRATCOM is currently in the process of validating the render safe roadmap set forth in the QDR. We believe that the current SOCOM/STRATCOM/DOE relationship is fundamentally sound.

23. Senator REED. General Cartwright, is the new render safe focus on large scale operations to identify and destroy large stockpiles of nuclear, chemical, and biological weapons and materials along the lines that the Bush administration thought were in Iraq before March 2003?

General CARTWRIGHT. No, render safe focuses on the disarming of weapons once the target has been temporarily secured. The Joint Task Force-Elimination will focus on large-scale elimination of WMD capabilities.

24. Senator REED. General Cartwright, in your prepared testimony, you identify one of your key initiatives as "Improve and expand U.S. forces' capabilities to locate, track, and tag shipments of WMD." Could you provide some additional explanation as what you plan to do under this key initiative?

General CARTWRIGHT. The Chairman, Joint Chiefs of Staff directive on the "PSI Activity Program," delineates specific STRATCOM tasks and responsibilities. These include "identify and assess required U.S. military WMD interdiction capabilities . . ." and "advocate, support and monitor research and development associated with U.S. military WMD interdiction capabilities . . ." In conjunction with interagency and international PSI partners, these STRATCOM efforts will result in an improved ability for U.S. forces to locate, track, and tag shipments of WMD.

RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITY—COOPERATIVE THREAT  
REDUCTION PROGRAM

25. Senator REED. Secretary Flory, there have been several delays in the construction of the Russian chemical weapons destruction project at Shchuch'ye. The reasons for the delays have varied from subcontractor bankruptcies to a reorganization of the Russian government. The current schedule calls for first agent destruction/initial live agent operations at the end of 2008 and transfer to Russia in July 2009 for full operation. What is the estimated total project cost of the facility?

Mr. FLORY. DOD expects to complete the work within the current budgeted funds of \$1,039.2 million. However, as a result of delays in completing the construction of the project's primary destruction building, final project costs cannot be projected with certainty. We will revise our schedule and know whether we can complete the project within our budget once the proposal is awarded. If there is a shortfall, DOD may in the future have to choose between either requesting additional funds or consulting with other partners to share the cost.

26. Senator REED. Secretary Flory, will the live agent startup date be met? If startup will not occur by the end of 2008, when will it occur?

Mr. FLORY. Live agent startup is currently scheduled for May 2008. Given the delay in awarding the contract to complete the main chemical weapons destruction building at Shchuch'ye, startup may be delayed by approximately a year to mid-2009.

27. Senator REED. Secretary Flory, how long after live agent destruction begins will the operational handoff to Russia begin?

Mr. FLORY. The United States and Russia have agreed to transfer custody of the Shchuch'ye Chemical Weapons Destruction Facility (CWDF) as soon as we have verified initial operational capability and design capacity. This verification involves the destruction of a limited number of live agent chemical munitions during a 10-day period. Operation of the CWDF to destroy the nerve agent stockpile is solely the responsibility of the Russian Federation.

28. Senator REED. Secretary Flory, will the United States continue to fund its commitment to complete the project including the design and construction of the fa-

cility; equipment acquisition and installation; systems integration; training; and facility startup?

Mr. FLORY. Yes, we intend to complete the project including the design and construction of the facility; equipment acquisition and installation; systems integration; training; and facility startup.

29. Senator REED. Secretary Flory, the CTR fiscal year 2007 budget includes \$42.7 million for chemical weapons in Russia. How much is for Shchuch'ye?

Mr. FLORY. The entire fiscal year 2007 budget of \$42.7 million for chemical weapons destruction in Russia is for the Shchuch'ye CWDF.

30. Senator REED. Secretary Flory, will funding be requested for Shchuch'ye after fiscal year 2007?

Mr. FLORY. DOD expects to complete the work within the current budgeted funds of \$1,039.2 million. However, as a result of the collapse of negotiations previously described and the attendant delay, final project costs cannot be projected with certainty. We will revise our schedule and know whether we can complete the project within our budget once the new proposal is awarded. If there is a shortfall, DOD may in the future have to choose between either requesting additional funds or consulting with other partners to share the cost.

31. Senator REED. Secretary Flory, will the CTR program fund the training and live agent startup?

Mr. FLORY. Yes, we intend to provide training and verification of initial live agent operational capability.

#### CASPIAN SEA MARITIME PROLIFERATION PREVENTION PROGRAM IN AZERBAIJAN AND KAZAKHSTAN

32. Senator REED. Secretary Flory, the funding for the Caspian Sea Maritime Proliferation Prevention Programs in Azerbaijan and Kazakhstan goes up substantially, from \$7 million to \$19 million. What is driving this increase, what is the program buying, and can this increase be executed?

Mr. FLORY. The increase is driven by the beginning of project work in Kazakhstan at the same time we are continuing work in Azerbaijan. The Caspian Sea Maritime Proliferation Prevention Projects in Azerbaijan and Kazakhstan support the development of a comprehensive capability for maritime surveillance and WMD detection and interdiction on the Caspian Sea borders. The project in Azerbaijan will build on previous assistance that established an interim command and control center; provided vessel maintenance assistance; enhanced detection capabilities by developing guides, handbooks, and procedures; and provided maintenance and logistics system enhancements and training. This year, assistance includes repair and upgrades of patrol and support craft; completion of the Astana Boat Basin in southern Azerbaijan; revision of the detection and interdiction concept of operations; and enhancement of a coastal surveillance system, including 24/7 radar operations. We anticipate a formal notification from the Government of Azerbaijan that the Azerbaijan Navy will play a supporting role to the Coast Guard in prosecuting its WMD detection and interdiction mission, and identification of the site for permanent command and control center. This will permit construction of the new center.

Fiscal year 2006 marks the beginning of the Caspian Sea Maritime Proliferation Prevention project with Kazakhstan. DOD teams twice have visited Kazakhstan to help determine the project's requirements. Teams have met with officials from the Kazakhstan Ministry of Defense, Maritime Border Guard, and Navy, and have visited operating bases, a maritime operations center, and a joint Navy-Maritime Border Guard training center on the Caspian Sea. While the assessments—including a concept of operations evaluation—are still ongoing, some fiscal year 2006 funds will procure WMD detection equipment and training, boarding officer training, and enhancements of maintenance facilities and technical surveillance posts.

This increase will be executed to improve WMD detection and interdiction on the Caspian Sea borders.

33. Senator REED. General Cartwright, is the Caspian Sea program coordinated with STRATCOM's combating WMD mission?

General CARTWRIGHT. Yes, when the DOD draft Concept Plan is approved, the Caspian Sea program will be linked through the respective regional combatant commander's combating WMD campaign plans.

34. Senator REED. General Cartwright, how does the CTR program support your mission?

General CARTWRIGHT. The CTR supports our mission through the dual aims of safeguarding and eliminating nuclear and other weapons in the former Soviet Union and to prevent the proliferation of WMD through the PPL. Every weapon secured or destroyed through the CTR program is one less weapon that the adversary may acquire and use against the United States.

35. Senator REED. General Cartwright, does this effort support the PSI?

General CARTWRIGHT. The CTR supports the overall PSI program. When weapons are destroyed, secured, or otherwise interdicted, the proliferators are forced to expend more resources to obtain replacements.

#### NUCLEAR DETECTION SENSOR ON GLOBAL POSITIONING SYSTEMS SATELLITES

36. Senator REED. General Cartwright and Mr. Paul, I understand that there is an issue as to whether the Global Positioning System (GPS) III and possibly some of the GPS IIF satellites will include as a payload the nuclear detection (NUDET) sensor package. The DOE/NNSA develops and builds the NUDET sensor package and the Air Force is responsible for integration. The sensor detects nuclear weapon detonations. Inclusion of this sensor on GPS has always been a high priority for STRATCOM. What is the issue and will the NUDET sensor be on all future GPS satellites including all GPS III satellites?

General CARTWRIGHT. Historically, power management on older GPS satellites has been the issue. Weight and power management are future GPS III considerations. Air Force Space and Missile Systems Center (SMC) are currently integrating NUDET sensors onto the follow-on GPS IIF satellites, and plan to host nuclear detonation detection sensors on the next generation GPS III satellites. STRATCOM is agnostic as to the platform this sensor will be placed upon, so long as the capability exists in a timely manner.

Mr. PAUL. NUDET sensor packages are on all current GPS satellites including the on-orbit GPS Block IIA & IIR satellites and the GPS Block IIF satellites that are in production. It has become a practice to turn off the NUDET sensors on older satellites that have lived beyond their design life, after the solar panels can no longer produce enough power to supply both the NUDET sensors and the navigation payload thus enabling continued use of the satellite in support of navigation requirements. This results in occasional reductions in the NUDET sensor coverage until new satellites replace these older GPS satellites. The next generation of GPS satellites (GPS Block III) are expected to have tighter constraints on the power and weight available to support the NUDET sensor package. NNSA is working to develop technology to reduce the size, weight, and power of future NUDET sensors while still meeting all the NUDET mission requirements. Concurrently, NNSA is working with STRATCOM, other elements of the DOD, and other NUDET sensor customers to review the detection requirements as well as alternative sensor technology and system approaches for meeting the requirements. The base-line strategy for satisfying NUDET detection requirements is to place NUDET sensor packages on all GPS Block IIF and GPS Block III satellites.

#### RESEARCH AND DEVELOPMENT

37. Senator REED. Mr. Paul, the DOE/NNSA's research and development program funds the Nation's basic research program for nuclear detection, proliferation, and monitoring, as well as other activities. I am concerned that the funding for this program is not adequate to meet all of the research missions. What work is being deferred based on the fiscal year 2007 budget request?

Mr. PAUL. The President's fiscal year 2007 budget request supports the research mission of the Proliferation Detection Program. Future funding increases could be used to accelerate the development of systems that can remotely detect and identify clandestine proliferation activities and the transition of these systems to operational detection of uranium-235 enrichment and plutonium reprocessing activities.

#### QUESTIONS SUBMITTED BY SENATOR HILLARY RODHAM CLINTON

##### GLOBAL NUCLEAR ENERGY PARTNERSHIP

38. Senator CLINTON. Mr. Paul, in its fiscal year 2007 budget request, the DOE asked for \$250 million for the Global Nuclear Energy Partnership (GNEP). Based

on DOE estimates, the fiscal year 2008 and fiscal year 2009 costs would total \$1.55 billion. Funding would continue to increase, totaling \$13 billion for the 10-year demonstration phase of the program. Note that these costs are merely for the demonstration phase. A 1996 National Academy of Sciences study concluded that reprocessing and transmutation of existing fuel from U.S. reactors could cost upwards of \$100 billion, but does not address the cost to implement the program globally.

As this is envisioned as a program with worldwide reach that could cost such a large amount to taxpayers, I would appreciate your assistance in understanding how GNEP would compliment the global nonproliferation regime and the administration's nonproliferation priorities.

What nonproliferation benchmarks will the administration require that nations meet in order to take part in GNEP?

Mr. PAUL. GNEP proposes to increase global access to nuclear energy while promoting our nonproliferation objectives. GNEP seeks to demonstrate the nuclear technology systems that would make this possible over the next 2 decades while avoiding the costs of additional geologic repositories in the United States that would otherwise be required. Sustained operation of GNEP will ultimately be on a commercial basis, with supplier states leveraging their investments in the fuel cycle as a way for other partner states to benefit from nuclear energy while forgoing enrichment and reprocessing.

We envision that states that participate in GNEP must adhere to essential nonproliferation commitments, for example, implementing the International Atomic Energy Agency (IAEA) additional protocol, complying with IAEA safeguards and Additional Protocol obligations, maintaining the latest international standards for physical protection of nuclear material. States that participate as recipients in the GNEP fuel leasing regime would also be expected to voluntarily refrain from developing enrichment and reprocessing capabilities as part of this arrangement. Beyond these essential conditions, we would want GNEP partners to subscribe to the general nonproliferation principles or goals that shape the GNEP vision, including committing to the building of advanced safeguards into new recycling and reactor technologies to ensure they are used for exclusively civil purposes, reducing stocks of separated plutonium and eventually bringing these stocks into equilibrium, creating a sensible timescale for fuel cycle states to move from PUREX to recycling technologies that do not result in separated plutonium, building proliferation resistance into new small reactor designs that can be safely deployed in the developing world, and creating a regime in which suppliers of fresh fuel can take back spent fuel for recycle or identify an approved path forward for spent fuel that will meet nonproliferation concerns.

39. Senator REED. Mr. Paul, will nations have to have ratified the Nuclear Nonproliferation Treaty? The Additional Protocol?

Mr. PAUL. The specific details of the framework for various international transactions under GNEP are still being developed. However, the Department anticipates that all activities that the United States will pursue with foreign partners will be in conformity of the Atomic Energy Act of 1954 and with Nuclear Suppliers Group Guidelines. As the United States develops its technology roadmap and identifies its potential partners, it will seek to strengthen the overall nonproliferation regime, including compliance with the objectives the NPT and the overall IAEA safeguards regime. Furthermore, as the Additional Protocol becomes widely accepted and ratified the Department anticipates that it will become part of the baseline requirements for nuclear cooperation within the Nuclear Suppliers Group, and thus become a standard element for all nuclear transactions with foreign partners including transactions under GNEP.

40. Senator REED. Mr. Paul, in order to implement the GNEP program internationally, will there have to be changes to the Nuclear Suppliers Group Guidelines?

Mr. PAUL. No, the NSG Guidelines will not have to be amended to implement GNEP. The Guidelines have been developed over the past 30 years to allow for the promotion of the nuclear fuel-cycle with stringent nonproliferation standards.

41. Senator REED. Mr. Paul, IAEA Director General El Baradei has proposed that the IAEA manage a fuel bank to act as supplier of last resort to guarantee the supply of nuclear fuel so that states do not need to produce their own fissile material. What is the administration's position on the IAEA proposal, and how would it affect the GNEP?

Mr. PAUL. One of the key goals of the GNEP is to establish a fuel cycle services program that would allow developing nations to acquire and use nuclear energy eco-

nomically while minimizing the risk of nuclear proliferation. The United States is working with supplier states and the IAEA to establish a fuel supply mechanism that could be used by states that forego enrichment and reprocessing in the event of a fuel supply disruption. The IAEA would play a central role as facilitator between supplier and recipient to resolve such problems.

As an additional step to support this mechanism, the DOE is setting aside up to 17 MT HEU—from a stock that was previously declared in excess of national security needs—to be down-blended under IAEA verification and prepared for use as fuel in civilian reactors. This material will be the first contribution to a nuclear fuel reserve, and we will consider placing additional uranium in this reserve. We encourage other nations to join us in this initiative.

[Whereupon at 11:47 a.m., the subcommittee adjourned.]



**DEPARTMENT OF DEFENSE AUTHORIZATION  
FOR APPROPRIATIONS FOR FISCAL YEAR  
2007**

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**WEDNESDAY, APRIL 5, 2006**

U.S. SENATE,  
SUBCOMMITTEE ON EMERGING THREATS  
AND CAPABILITIES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC.*

**DEPARTMENT OF DEFENSE'S ROLE IN COMBATING  
TERRORISM**

The subcommittee met, pursuant to notice, at 11:36 a.m., in room SR-222, Russell Senate Office Building, Senator John Cornyn (chairman of the subcommittee) presiding.

Committee members present: Senators Cornyn, Warner, and Reed.

Committee staff members present: Leah C. Brewer, nominations and hearings clerk; and John H. Quirk V, security clerk.

Majority staff member present: Sandra E. Luff, professional staff member.

Minority staff members present: Evelyn N. Farkas, professional staff member; and Richard W. Fieldhouse, professional staff member.

Staff assistant present: Jessica L. Kingston.

Committee members' assistant present: Russell J. Thomasson, assistant to Senator Cornyn.

**OPENING STATEMENT OF SENATOR JOHN CORNYN,  
CHAIRMAN**

Senator CORNYN. The subcommittee reconvenes in open session to receive further testimony on the Department of Defense's (DOD) role in combating terrorism.

For the record, we just concluded a closed session and are now reconvening in open session.

Secretary O'Connell, during the closed session, you did not provide an opening statement, although we have heard a number of answers to a variety of questions. If you have anything you would like to add by way of an opening statement in this open session, we would be glad to give you that opportunity now.

**STATEMENT OF HON. THOMAS W. O'CONNELL, ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW-INTENSITY CONFLICT**

Mr. O'CONNELL. Sir, I will be very brief.

Mr. Chairman and distinguished members of the subcommittee, I appreciate the opportunity to testify about the status of our Nation's superb Special Operations Forces (SOF) and the increasing ability of U.S. Special Operations Command (SOCOM) to respond to current and emerging transnational terrorist threats, as well as evolving asymmetrical threats. I have an extended statement for the record.

Sir, the recently published 2006 Quadrennial Defense Review (QDR) accurately states that we are in a long war and it is irregular in nature. This long war is characterized by dispersed, global terrorist networks with radical aims that directly and indirectly threaten the United States and our way of life. The nature of this long war requires the U.S. Armed Forces to adopt unconventional and indirect approaches to ultimately prevail in this struggle. The report further emphasizes the important and necessary changes needed to prepare SOF and other forces to respond to wide asymmetric challenges. The result of this emphasis is a significantly expanded SOF program that will qualitatively increase not only SOCOM's capabilities but also its capacities to confront and prevail against a global terrorist network.

I would like to commend my colleague, Vice Admiral Eric Olson, for his work on behalf of SOCOM in the QDR. I think the results reflect a great deal of effort on the part of he and his team.

The fiscal year 2007 President's budget submission for SOCOM is \$5.2 billion, excluding military pay. That is an increase of 27 percent over the fiscal year 2006 submission. This increase is essential to support the DOD's QDR decision to increase SOF capability and capacity to conduct low-visibility, persistent presence missions and a global unconventional warfare campaign.

The budget submission continues to strengthen the command, reflecting QDR guidance to increase SOCOM's military capability and capacity. It will enable SOCOM to add over 1,300 personnel to specifically find, fix, and finish terrorist networks; maintain sustained operations in areas where terrorist networks are operating; continue the investment in critical fixed-wing, rotary-wing, and unmanned aircraft that provide SOF with the mobility necessary to deploy and execute their missions quickly; invest in additional Active and Reserve component civil affairs and psychological operations force structure; and support the newly created Marine Corps Special Operations Command (MARSOC) providing SOCOM greater flexibility and capability to fight terrorism.

I would certainly like to thank this committee and Congress as a whole for their support of our Nation's SOF. Your continued interest and support of the President's budget is essential in sustaining this critical SOCOM effort.

I welcome your questions, sir.

[The prepared statement of Mr. O'Connell follows:]

## PREPARED STATEMENT BY HON. THOMAS W. O'CONNELL

Mr. Chairman and distinguished members of the subcommittee, thank you for the opportunity to testify about the status of our Nation's superb Special Operations Forces (SOF) and the increasing ability of the United States Special Operations Command (SOCOM) to respond to current and emerging transnational terrorist threats as well as evolving asymmetrical threats.

The recently published 2006 Quadrennial Defense Review (QDR) report accurately states that we are in a long war that is irregular in nature. This long war is characterized by dispersed, global terrorist networks with radical political aims that directly and indirectly threaten the United States and our way of life. The nature of this long war requires the U.S. Armed Forces to adopt unconventional and indirect approaches to ultimately prevail in this historic struggle. The report further emphasizes the important and necessary changes needed to prepare SOF and other forces to respond to wide asymmetric challenges. The result of this emphasis is a significantly expanded SOF program that will qualitatively increase not only SOCOM's capabilities but also its capacities to confront and prevail against the global terrorist network threat.

Title 10, section 138 requires my position to provide civilian oversight of special operations activities of the Department of Defense (DOD). I am responsible for ensuring that our SOF are appropriately tasked and employed, and that senior policymakers, to include our interagency partners, understand SOF capabilities as well as their limitations. Not only am I an advocate of the SOCOM and SOF, I am also dedicated to ensuring our elements continue to be the best trained, best equipped, most flexible, and effective fighting force available to our country. I consult closely with General Brown on a wide range of policy issues and participate in the SOCOM Board of Director's meetings, the Command's executive resource body. This effort produces a SOF program and budget that stress force readiness and sustainability, and provides sufficient force structure to meet the demands of the geographic combatant commanders and General Brown in his role as the supported commander in the global war on terrorism.

I'd like to recognize the superb effort of General Brown's Deputy Commander, Vice Admiral Eric Olson, for his SOCOM team's work on the QDR. SOCOM was well prepared to present an objective blueprint for SOF growth and posture. They put a combatant commander's fingerprints on the QDR process, which I believe improved the result. A key component of that strategy has been the unwavering support of members of this committee, the full House and Senate in delivering the necessary support, congressional oversight, and critical review for SOF programs and initiatives. We've had successes and, yes, some setbacks with our programs, but I believe we've taken a prudent course in building both capability and capacity for the long war. The fiscal year 2007 President's budget submission for SOCOM is \$5.2 billion (excluding military pay), an increase of 27 percent over the fiscal year 2006 submission. This fiscal year 2007 increase is essential to support the Department's QDR decision to increase SOF capability and capacity to conduct low-visibility, persistent presence missions and a global unconventional warfare campaign.

The fiscal year 2007 President's budget submission continues to strengthen the command, reflecting QDR guidance to increase SOCOM's military capability and capacity. It will enable SOCOM to: 1) add over 1,300 personnel to find, fix, and finish terrorist networks; 2) maintain sustained operations in areas where terrorist networks are operating; 3) continue the investment in critical fixed-wing, rotary-wing, and unmanned aircraft that provide SOF with the mobility necessary to deploy and to execute their missions quickly; 4) invest in additional Active and Reserve component civil affairs and Psychological Operations (PSYOPs) force structure; and 5) support the newly created Marine Corps Special Operations Command (MARSOC), providing SOCOM greater flexibility and capability to fight terrorism.

I would like to thank this committee and Congress for your support of this Nation's SOFs. Your continued interest and support of the fiscal year 2007 President's budget submission will be essential to sustain this critical funding for SOCOM.

We are faced by interacting networks—sometimes structured—of radical extremists who inflict terror with minimal concern for their innocent victims. These networks will migrate to places where they can survive, operate, and grow. Our challenge is to develop counter-networks to monitor, isolate, disrupt, and destroy hostile elements. SOCOM has started this process. While some of SOCOM's operations are visible, there has been a substantial investment in low-visibility and clandestine activities. Our Army Special Forces, Army Special Operations Aviation Forces, Army Rangers, Navy SEALs and Special Boat Units, Army Civil Affairs, Army Psychological Operations units, Air Force Special Operations crews and staffs, Combat Controllers and Weather Teams, have served U.S. Central Command requirements

very well from their counter-insurgency and foreign internal defense roles in Afghanistan and Iraq to their work in the Horn of Africa. Most importantly, SOCOM Forces operate in the only environment that can lead to success: Joint, Interagency, Combined, and Coalition.

SOCOM is also increasing its capacity to conduct operations against the threat:

- The recently activated MARSOC with its organic operational and foreign training units provides SOCOM additional depth and operational flexibility in irregular warfare.
- A programmed one-third increase in Active-Duty Special Forces battalions will improve SOCOM's rotation base. Similarly, there is a programmed one-third increase in Civil Affairs and PSYOPs units, both Active and Reserve component. These force level increases allow additional time between deployments to refit and reconstitute units that will improve their readiness posture. Coupling this force level increase and a flexible basing and rotation strategy will meet the demands of the Secretary of Defense and the President as well as the Nation as the unknown unfolds.

My position in the Pentagon also gives me a unique perspective on a number of initiatives to expand the authorities that govern SOCOM and geographic combatant commander's operations. These initiatives are slowly but surely moving together to match national and military strategies.

- On the stability operations front, we've seen advances in authorities that will allow greater efforts in train and equip missions, peacekeeping initiatives, and capacity building while partnering with Department of State. Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 permits the Secretary of Defense, at the direction of the President, to conduct or support programs to build foreign military capacity counterterrorism or stability operations. The Joint Staff and combatant commands are actively identifying opportunities to enable partner nations to seize opportunities and counter unexpected threats through assistance under this authority. We are working with the combatant commands, the Joint Staff, and our colleagues at the Department of State to plan potential assistance under this authority and, once directed by the President, to efficiently and effectively implement designated assistance programs. I want to stress that we fully expect this type of authority will be extremely helpful in meeting the needs of our combatant commanders for more flexibility in working with international partners against today's unpredictable threats.
- The National Defense Authorization Act for Fiscal Year 2006 also established a DOD security and stabilization assistance authority, section 1207, which authorizes DOD support to the Department of State for civilian deployments and programs in countries falling into or emerging from conflict. The DOD is working closely with the Department of State's Coordinator for Stabilization and Reconstruction to determine the most effective means of using this transfer authority to deploy civilian experts and facilitate the provision of reconstruction, security, or stabilization assistance. We need substantial congressional support for the President's fiscal year 2007 request that will support efforts to build civilian capabilities for tasks like stabilization and reconstruction. Although requests for the Department of State and other agencies are outside the responsibility of this committee, I want to stress to the committee that civilian capabilities will be critical to the Nation's long-term success against terrorism and could reduce the stress on U.S. forces by precluding the need for certain deployments.
- Our Counternarcotics (CN) portfolio provides very robust longstanding train and equip authorities and resources that permit maximum flexibility for combatant commanders as they develop tactics, techniques, and procedures to combat smugglers, pirates, narcoterrorists, money launderers, proliferators, and other networks. Our foreign CN training efforts are proving a valuable adjunct to our counterterrorism efforts and provide U.S. access to countries for counternarcotics activities whose governments may not allow U.S. in for other reasons. Our close partners from the British SOFs now assist a key Afghan CN element that has been highly successful in seizures over the last year.
- The authority provided by Congress last year in section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 is being used effectively by the command to train, pay, equip foreign indigenous forces, and build indigenous capabilities essential to developing counterterrorism networks. As we exercise this authority on the ground, we are getting smarter at how best to employ this very unique tool.

- SOCOM was granted relief from title 5 Personal Service Contract prohibitions. This allows DOD to authorize personal services contracts for the purpose of hiring SOF expertise and recruiting long-term sources and assets in support of the global war on terror. The additional authority allows flexible response to emerging situations and the ability to tap into previously unexploited resources.

As SOCOM undergoes stressful periods of change during this long war, there will remain one constant: the importance of our human capital investment in the special operator. In terms of missions performed and in the qualities of the individuals who undertake those missions, the special operator is truly unique and requires a different type of mindset on our end in terms of planning and support. Our starting point has always been and must continue to be what we call the “SOF Truths,” which are essentially statements of the fundamentals: “Quality is better than quantity. SOFs cannot be mass produced. Competent SOFs cannot be created after a crisis occurs. Humans are more important than hardware.” I pay special tribute to the superb officers, noncommissioned officers, and civilians of the command who live and enforce these truths every day.

These truths have been reaffirmed by the awe-inspiring performance of our SOFs in Afghanistan, Iraq, Colombia, the Philippines, and many other countries around the world. I hope one day we may be able to fully reveal their story. They could not meet their mission requirements without the superb support of the Secretary of Defense, the department staff, the Joint Staff, and the military departments.

It is also with the support of Congress that SOCOM has moved so far and will continue to do so.

I would like to conclude by highlighting the implications the posture, programming and policy for SOF in the war on terrorism have for all aspects of our Nation’s defense. Our Special Operators have often been the innovators for the larger military, and the SOF mindset has been the incubator of innovation. That is especially true today. With the shift from SOF being postured for reactive, regional contingencies to being a global, proactive, and preemptive force, we are witnessing a key evolution in how we must conduct our security affairs in the future and address those “safe havens,” and build capacity to deal with those who would harm our country.

Finally, a personal note—repeated from last year. Whenever possible, I attend funerals of SOF personnel at Arlington National Cemetery. It is indeed a high honor to represent the DOD. When I look into the eyes of widows, children, parents, and other relatives of our fallen heroes, I understand that there is no “quit” in their demeanor. We must honor their service and sacrifice. They are an inspiration to all who witness their courage and spirit. Your support is critical to the success of our SOFs. I thank you for your careful scrutiny of our program and budget. Together, we can continue to help move our SOFs into a position of prominence that will continue to press the fight against America’s enemies.

Thank you for your continued support. I welcome your questions.

Senator CORNYN. Thank you, Secretary O’Connell.

I will also note that because of the very helpful testimony we received during the closed session, we are going to be a little cramped for time this morning on our open session. We will have to adjourn no later than noon, but that does not mean our inquiry into these subjects will end. We will continue to be in discussion with you about them, and we will have follow-on hearings on many of the matters that we are discussing today in public session. So there will be no shortage of public discussion and debate about these important issues.

Senator WARNER. Could I make just one comment?

Senator CORNYN. Certainly.

Senator WARNER. I, in closed session, mentioned that General Brown has served in his capacity very well, and the Secretary indicates that the Secretary of Defense recently asked that he extend. I think that is a very commendable recommendation by Secretary of Defense Rumsfeld, and there certainly is no consideration of this committee at this time for any replacement. I do hope he accepts that post, and we are fortunate as a Nation to have him continue

in office. So give him my warmest regards. I have the highest personal regard for him and his professional abilities.

Thank you very much, Mr. Chairman.

Senator CORNYN. Thank you, Chairman Warner.

I am going to make my opening statement for the closed session part of the record and now recognize Senator Reed.

[The prepared statement of Senator Cornyn follows:]

PREPARED STATEMENT BY SENATOR JOHN CORNYN

The subcommittee reconvenes in open session to receive testimony on Department of Defense's role in combating terrorism. We welcome our distinguished witnesses and commend each of you for the leadership you provide:

- The Honorable Thomas W. O'Connell, Assistant Secretary of Defense for Special Operations and Low Intensity Conflict;
- Vice Admiral Eric T. Olson, Deputy Commander, U.S. Special Operations Command (SOCOM);
- Vice Admiral (Retired) John Scott Redd, Director, National Counterterrorism Center (NCTC); and
- Jeffrey N. Rapp, Director, Joint Intelligence Task Force-Combating Terrorism, Defense Intelligence Agency.

We also thank you for a very thorough, analytical, overview of the transnational terrorist threats that face our Nation, our interests, and our allies.

Key lessons of September 11, 2001, highlighted the need for our Nation's intelligence agencies to work together as a single unified enterprise—and also caused us to review the manner in which our forces—specifically, our Special Operations Forces (SOF) are organized, trained, and equipped.

Although much progress has been made in the long war against terrorism—and I want to recognize the instrumental role our witnesses contributed to the success we have achieved—we also recognize that terrorist organizations, as well as the growing threat from global jihadist networks, continue to pose a significant threat to our national security.

Moreover, this very sentiment was highlighted by the Director of National Intelligence, Ambassador Negroponte, on February 28, 2006, when he testified before the full committee. He stated:

“Let me begin with a straightforward statement of preoccupation—terrorism is the preeminent threat to our citizens, to our Homeland, to our interests, and to our friends.”

Each of our witnesses represent organizations that are at the very heart of this issue. We recognize the hard work and dedication required of your organizations to respond to these threats, as well as the tremendous sacrifices made by service members, your civilian workforce, and their family members—we owe each of them a debt of gratitude.

I also believe the recommendations of the Quadrennial Defense Review (QDR) clearly establish a roadmap for the expansion of our SOF to address this threat—and I commend the Department for their efforts.

Gentlemen, we welcome your insights on developments in your respective organizations, as well as your own personal assessments of the fiscal year 2007 defense budget request as it relates to the Department's ability to prosecute the global war on terror.

Secretary O'Connell, we look forward to your testimony regarding:

- Your oversight role of SOCOM, specifically in light of the expansion addressed in the QDR—what challenges, if any, does the expansion mean to your office?;
- What authorities, if any, does your office need to ensure for the effective oversight of SOCOM acquisition programs, as a result of this expansion; and,
- An update on your efforts to ensure effective interagency coordination for SOCOM's Military Liaison Elements (MLEs), as well as your overall assessment of the program.

Vice Admiral Olson, the subcommittee looks forward to hearing your assessment on:

- The progress made in establishing the capability to conduct military operations as a supported command;

- A current status of SOCOM's major acquisition programs, including the Advanced Seal Delivery System;
- Manpower challenges and actions taken to address your increased operating tempo; and,
- The current state of your MLEs, and the steps you have taken to coordinate and synchronize those elements with the Chiefs of Mission and related officials within the interagency.

Vice Admiral Redd, as you are aware, based on the recommendation of the 9/11 Commission, the NCTC was codified by Congress in the Intelligence Reform and Terrorism Prevention Act of 2004.

Since your organization has had approximately 2 years to mature, we seek your insight regarding the progress made by the NCTC to:

- Serve as the primary organization within the U.S. Government for analysis and integration of all terrorism intelligence; and,
- Your assessment of NCTC's ability to conduct strategic operational planning for counterterrorism activities integrating all instruments of U.S. national power.

Mr. Rapp, we also look forward to your insight on:

- The Department's, and specifically the Defense Intelligence Agency's, access to all available terrorist threat information; and,
- Any additional funding or authorities you require to execute your mission.

Our witnesses today represent the quiet professionals—whether assigned to the SOCOM or the Intelligence Community—that are on point for our Nation in the fight against terrorism and tirelessly work to defend our Homeland from the threats of the 21st century.

We applaud and honor their service and we thank our witnesses for their service and for appearing before the subcommittee today.

Senator CORNYN. Senator Reed.

#### **STATEMENT OF SENATOR JACK REED**

Senator REED. Thank you very much, Mr. Chairman. Thank you, gentlemen, for your participation today and your service to the Nation.

The purpose of this hearing is to receive an update on the DOD's efforts to combat terrorism from the officials responsible for developing and implementing the policy for the military's global war on terrorism, from the intelligence analysts and disseminators, and from the operators. Each of these cadres of professionals is equally critical to the military mission.

This committee established a SOCOM and the Office of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (SOLIC). The SOLIC Assistant Secretary is charged with management oversight of SOCOM, as well as for combating terrorism, stability operations, and counterdrug policy.

In February, the press reported that Secretary Rumsfeld may be considering proposals to move various functions out of SOLIC or even asking Congress to eliminate it entirely. I hope that if this is the case, Secretary O'Connell can tell us about these proposals today. I must apologize because I will have to leave. So, Mr. Secretary, if you want to comment on that, that will be your option.

In addition, retired General Wayne Downing recently completed a review of SOCOM's role in coordinating and executing the war on terrorism. The chairman and ranking member of the full committee have asked for a copy of that review, and I hope that Secretary O'Connell can ensure this subcommittee that he will work to get it for us. The findings of the report will inform the work of the committee. Again, I think this is an eminently reasonable re-

quest that Chairman Warner and Senator Levin have made, and I believe we should have the report. I know it is classified, and obviously, we would accept it on those terms.

[The information referred to follows:]

[The committee staff received a closed briefing on June 27, 2006, regarding the report by General Wayne Downing.]

Senator REED. I am concerned about reorganization proposals coming at a time when the civilian policy leaders need to work closely with SOCOM to ensure the progress in the war on terrorism and to oversee SOCOM's operations, budget, and acquisition programs. The President has asked this committee to authorize a \$9 billion increase in SOCOM's budget over the next 5 years and almost a 30-percent increase over last year. This growth will have to be wisely managed by the command and the civilian leadership in the Pentagon.

SOCOM has important acquisition needs and unique acquisition authorities. Yet, the SOLIC office does not have a senior acquisition executive in the Pentagon, as the other Services do, to advocate for SOCOM's requirements and to help the command manage large programs, such as the troubled Advanced SEAL Delivery System (ASDS).

In addition, special operators have new missions, including clandestine ones, that require interagency coordination to ensure that they strengthen U.S. national objectives in fighting terrorism, something that SOLIC must be actively overseeing and keeping this committee informed about.

Again, I hope that in the course of the rest of this hearing or in written responses, that we can get some clarification on the issues I have just mentioned.

In addition, I have written questions, which are as a result not only of this hearing but my visit a few weeks ago down to SOCOM headquarters with General Brown and Admiral Olson. I would forward them for response in a timely fashion.

Thank you so much again for your service to the Nation and thank you, Mr. Chairman.

Senator CORNYN. Thank you, Senator Reed, for that opening statement.

Admiral Olson, we have talked about SOCOM's responsibilities around the world. We know that those responsibilities are increasing, and accordingly, the budget request for 2007 is about \$8 billion, including over \$2 billion for military personnel costs, a 27-percent increase in your budget over last year.

I would like to ask you to comment on a few questions. First of all, does this meet all of your operational requirements? Second, can you absorb that sort of big increase in your budget in a way that is efficient and effective to meet those operational requirements, and have you been able to replace all equipment, particularly helicopters damaged and destroyed in Iraq and Afghanistan?

Admiral OLSON. Mr. Chairman, thank you for the opportunity to respond to that.

As I said in the closed session, I was the primary representative of SOCOM in the QDR process. We did that by receiving and evaluating requirements submitted to us by our component headquarters



and then machining those into a single requirements input into the QDR. That was mostly answered.

We went into the process knowing what we could absorb and requesting no more than that. So we are well postured to absorb the growth that has been programmed for us in both platforms and people.

As an example, pre-September 11, 2001, our Special Forces Training Command was able to turn out about 250 special forces operators per year on the Army side; the Green Berets. Last year, they graduated 791. Our previous investment in infrastructure growth is now permitting us to absorb the additional resources that we have programmed through the QDR process.

Does it answer all of our needs? It does not. It answers our most immediate needs. It certainly answers our foreseeable personnel needs. We will be growing one battalion per special forces group, one company per ranger battalion, the equivalent of two new SEAL teams, and Air Force special operators at the rate that we can produce and absorb them. So we certainly will not be asking for increased force structure growth anytime soon except for what it takes to implement the growth that we have been granted so far in the process.

Again, we will have additional requirements for intelligence, surveillance, and reconnaissance (ISR) platforms, with a reminder that those are not only airborne platforms, but they are also ground and maritime sensors that are associated with ISR in which we have capability gaps.

Sir, I did not address your question about recapitalization.

We have been able to sustain our fleet without full recapitalization of it. We fly some old aircraft. We do not have full programs to replace each of those. We have been able to replace engines and wings and repair our fleet to keep it flying. We are programmed in the future for the V-22 that we would like to receive at an accelerated rate. We have long-range programs for next-generation platforms, and we have been granted relief with replacement of combat losses along the way, but we have not done a full recapitalization of our fleet within the current program.

Senator CORNYN. I for one—and I think I probably speak for many Members of Congress—am more than happy to appropriate all funds necessary for our military to do the job that we have asked you to do. The challenge is, is that money appropriated and used effectively to acquire and develop systems that are important to our national defense and protecting our national interests?

That brings me, as you might imagine, to the ASDS. I would like to ask Secretary O'Connell and Admiral Olson to both comment on these questions.

The ASDS program has been plagued with problems from its inception and was approved for a restructure by this committee in November 2005. As a part of that restructure, an ASDS reliability action panel was formed to answer reliability questions.

The questions are these: What is the status of the ASDS reliability action panel report? What is the current status of the program? When can we expect to receive the report, as directed by the National Defense Authorization Act for Fiscal Year 2006 regarding

this program, which actually, I believe, provided that it was due on March 1?

Secretary O'Connell.

Mr. O'CONNELL. Sir, I know that the ASDS program management office requested an extension through the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (AT&L). We are aware of what the report must entail, to include the Secretary's certification that he has revalidated the requirement and conclusions of the QDR, the number of eventual platforms that would be required, updated cost estimate, a time line for addressing the technological challenges. This must be coordinated with both the Navy Department and AT&L.

I would defer to Admiral Olson in terms of the status of the reexamination panel, I believe you called it.

Admiral OLSON. Sir, beyond the extension request for the report, I do not know today's status of the ASDS reliability action report. I will take that question for the record, sir.

[The information referred to follows:]

The Advanced SEAL Delivery System (ASDS) Reliability Action Panel report was completed on March 14, 2006. The current status of the program is we are executing the ASDS program restructure as briefed to U.S. Southern Command congressional account holders in November 2005. The program restructure consists of two fundamental parts: an improvement program to increase reliability and address obsolescence; and a concept study to assess hybrid combatant submersible designs for follow-on vehicles.

Senator CORNYN. Secretary O'Connell, given the increase in SOCOM's budget and the need to ensure that its acquisition needs are represented at board meetings of the service acquisition managers, would you support creating a senior civilian position within your office for acquisition management, one that would complement the position in the command?

Mr. O'CONNELL. Sir, I have given this much thought in the last couple of months, after some of your committee staffers raised it. I think it would be a prudent move. If nothing more, it gives me someone who might be very well-connected in the community, can look at acquisition programs, and at least give me a comfort level in terms of are we going the right way, do we need to be more aggressive, or are there things like the ASDS that we need to curtail and reexamine significantly. I think it would be a help.

I currently have a senior civilian, but not a deputy assistant secretary for resources and technology, Tim Morgan. He has 16 years of budget oversight and programming experience, and he is very capable. However, I do not really have an independent acquisition expert on my staff who would report directly to me and work with AT&L and others on SOCOM programs. So I would be in favor of that.

Senator CORNYN. From my limited experience in a previous life, I know that technology issues—in addition to things like the ASDS where you have sort of a moving target, in terms of requirements, have a tendency to vastly increase the costs of Government acquisitions.

I am also concerned, Admiral Redd, about technology uses within the Government and how we are adapting those technology needs to particularly our intelligence gathering and sharing requirements. As I recall, when I was out at the Technology Transfer In-

telligence Committee (TTIC), the predecessor of the organization you head, they had—I cannot remember if it was four or five Central Processing Units (CPU)—maybe less, maybe three CPUs—strapped together. I think there was a toggle switch that allowed you to search each one of them, but there was not any interconnectivity between those. Could you tell me, is that still the situation or has it improved?

Admiral REDD. Depending on whether you are selling the systems or using them, it has gotten better or worse. I have nine CPUs by my desk right now.

Senator CORNYN. Nine of them?

Admiral REDD. Nine of them, yes, sir. It is all good news in the sense that we now have additional things. For example, we have classified circuits with several of our allies right now, the United Kingdom and Australia. We are working on turning that around.

The problem again, as I mentioned in closed session, is we have, in a sense, an elegant but simple solution, but we have to use a lot of brute force just to get the information in, and that means having all these networks.

We are starting to turn that around in a couple of ways. We will, at one point, God willing, get to the point where we have one network, which everybody uses and with all the appropriate security. We are a long ways from being there yet. Ten percent of that or 20 percent of that is technology; 80 percent is still in the policy. So that is getting there.

We are doing some things which are important, however. In fact, my Chief of Staff is right now the guinea pig. One of the problems is when you have e-mails coming in from nine different systems and you have to go through and punch up and log in on each one of those in order. It takes a half a day just to do that. We have a single screen pilot project right now so when your e-mails come in on different systems, they all show up on the same screen. We are trying that out. So that will help substantially. Little things like that will help.

We are also doing things in a deeper sense and working on things. We have the ability right now as I mentioned, through the National Counterterrorism Center (NCTC) online to access right now about 5 million pieces of finished intelligence on a Web site, which any organization can come into and use. About 5,000 people are cleared for that.

The next steps we are looking at, though, are how do you go through large amounts of data and how do you search not only one at a time on each of those networks' databases, but how do you do a consolidated database of all of them at the same time?

So we are looking at how to use technology not only in the connectivity side, if you will, which is extremely important, but also in that basic research, if you will. So a lot of things are going on there. As we mentioned, the challenges on the collection side also continue, but our goal is to use technology wherever we can, obviously, to move things along. As I mentioned in closed session, I think we have made an awful lot of good progress.

Senator CORNYN. Some of the agencies of the Federal Government's experience with technology challenges have not been good, and I keep thinking about the Federal Bureau of Investigation

(FBI) in particular and a lot of taxpayer dollars basically down the drain in attempts to try to bring the FBI into the technology age.

Changing the issue just slightly, though, obviously there are a lot of our enemies and others who would like to have access to that information. Could you give me some confidence in the level of our information security efforts with regard to NCTC?

Admiral REDD. I think in terms of NCTC, it is extremely good. You have established us as the one place in the Government where all information comes in. Everybody out there, just on the personnel side, is polygraphed, and has very high security standards. We basically are a tenant of the Central Intelligence Agency and so we respond to all of their security requirements. I think we do a very good job in terms of that. You can always do better.

I am not the expert on our cryptography or how well we are in terms of cybersecurity, but I can tell you it is extremely high by the very nature of the fact that we bring all that information together and we have some very strict rules.

Again, the blessing is having that information all in one place. The curse is you have to make sure that it stays there except when it is properly sent out. I would say that we do a pretty good job on that, a very good job on that.

Senator CORNYN. Working at the Office of Management and Budget and also some of the committees that have looked at information security across the Federal Government, it causes me some concern and not specifically with your agency because I cannot recall right now how some of the various agencies have ranked. But overall, the Federal Government does not rank well when it comes to information security, and that is a huge concern.

Given the late hour, let me make this the last question, and I will direct it to Admiral Olson. As I indicated, we appreciate your generous time, granting us the last couple of hours for questions. We spent most of our time in closed session. We have additional matters we want to discuss with you and your staff going forward.

Admiral Olson, elements of special forces have been present in Afghanistan since 2001, and given the longevity of that continued presence, I would like to get your comment on the following. What is the current SOCOM level of effort in Afghanistan, and do you see a significant change in the presence of SOF there in the next 6 to 12 months as the International Security Assistance Force (ISAF) expands its operations in Afghanistan? What will the command relationship be between SOF that remain in Afghanistan and the ISAF?

Admiral OLSON. Senator, thank you.

We have just had some relief of SOF in Iraq in particular. We drew 15 Special Forces A-Teams out as the training mission came to an end.

I do not foresee significant change in the SOF presence in either Afghanistan or Iraq in the coming months.

I believe that ISAF's presence is important. It will expand capability and capacity across Afghanistan, but the SOF's A-Teams that are in remote sites and working with the Afghan National Army will continue to do that with a nationwide presence in Afghanistan after ISAF's arrival.

The SOF in the regions where the ISAF is will come under staff control, but will also be responsive to SOCOM requirements. I will take that question particularly for the record and provide you with a more detailed wiring diagram of the command relationships. The bottom line is that ISAF by itself will augment, but not relieve special operations presence in Afghanistan.

[The information referred to follows:]

The decision of exactly what the overall command relationships will be in Afghanistan when the International Security Assistance Force (ISAF) takes over is not yet final. However, of the two possible courses of action, Special Operations Force's (SOF) command relationships will remain the same. The Combined Joint Special Operations Task Force (CJSOTF) is going to be a supporting command to the ISAF (the supported command). CJSOTF will remain under tactical control of Combined Joint Task Force-76. The U.S. Central Command Forward Special Operations Command will retain operational control. The bottom line is that U.S. SOF will fall under U.S. commanders while working for ISAF.

Senator CORNYN. Thank you Admiral Olson, Admiral Redd, Mr. Rapp, and Secretary O'Connell for your testimony today.

We will leave the record open for 2 days so that members who could not attend the hearing can submit their questions for the record.

Thank you very much for your presence here today and your response to our questions, and again, on behalf of all of us, for your service to our Nation. Thank you. We are adjourned.

[Whereupon, at 12:00 p.m., the subcommittee adjourned.]

